

Hawaiian Gazette.

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HONOLULU, H. T., TUESDAY, MARCH 1, 1904—SEMI-WEEKLY.

WHOLE No. 2563.

CRUISER SINKING AND TORPEDO BOAT SUNK

A CHALLENGE BY MIKADO'S FLEET

Czar's Ships Come
Out of Port
Arthur.

They Are Driven Back
In Bad Con-
dition.



FIRST-CLASS JAPANESE CRUISER IWATE.

(ASSOCIATED PRESS CARLEGRAMS.)

LONDON, Mar. 1.—Fifteen Japanese warships bombarded Port Arthur for two hours today. Three Russian cruisers and four torpedo boats advanced to meet the attack but were forced to retire. One vessel was in a sinking condition and one torpedo boat was sunk. The Japanese withdrew unharmed.

NAVAL GUNS FOR PORTS.

SHANGHAI, Mar. 1.—The Russians are transferring guns from their disabled ships to the Port Arthur forts.

VLADIVOSTOK BLOCKADE CONCEDED.

ST. PETERSBURG, Mar. 1.—The probability of a blockade has been established at Vladivostok is conceded by the Russian government.

BIG JOB FOR THE COSSACKS.

ST. PETERSBURG, Mar. 1.—Cossacks are advancing along Eastern Korea to prevent the landing of the main Japanese army.

A BRITISH FLAGSHIP IS REPORTED ASHORE

VICTORIA, Mar. 1.—It is reported that His Majesty's flagship Bonaventure is ashore on the coast of Central America.

Great Britain is unfortunate with her Pacific squadron. From the station at Esquimalt, Vancouver Island, come frequent reports of disaster to vessels stationed on the coast. Recently the cruiser Flora went ashore near Victoria. Everyone remembers the loss of the Condor, en route to Honolulu. The Bonaventure, a protected cruiser and flagship of the squadron, has been making a leisurely cruise along the Central American coast. She is a sister vessel to the Flora. The cruiser is of 4360 tons, and is 320 feet long. She was built in 1892 and on a four hour test at forced draught made twenty knots. If she has a full crew on board there are 318 men to handle her.

GOVERNMENT AID FOR THE PHILIPPINES

WASHINGTON, Mar. 1.—A bill prepared by Secretary Taft has been introduced in the House for an issue of \$20,000,000 for public improvements and government aid to railways in the Philippines.

(ASSOCIATED PRESS CARLEGRAMS.)

CABLE TALK OFFENDS RUSSIA.

ST. PETERSBURG, Feb. 28.—The news that the United States is likely to assent to the extension of a Japanese cable to Guam, to connect there with the trans-Pacific line, has aggravated popular resentment.

CHEFOO, China, Feb. 27.—Twenty Japanese warships are said to be engaged in a blockade of Vladivostok.

ST. PETERSBURG, Russia, Feb. 27.—The Russian Government has raised a protest against Japan's request to land its cable at Guam. A formal protest will be made to Secretary Hay.

LONDON, Feb. 28.—It is predicted that Parliament will be dissolved in six weeks.

NEW YORK, Feb. 29.—Jim Jeffries, champion heavyweight, and Jack Munro, the Montana wonder, were matched today. The fight will take place in San Francisco during the month of May.

MANILA, Feb. 29.—A fight between Hassan's division and the



TYPICAL JAPANESE NAVAL OFFICERS.

Dattos of Jolo took place today in which the Dattos were routed. Lieutenant West and six troopers were wounded.

LONDON, Feb. 29.—The Anglo-Spanish Arbitration Treaty was signed today.

DEMOCRATS WANT NO ACTION BY CONGRESS ON COUNTIES

The Democratic Central Committee put itself on record at a meeting as opposed to Congressional action on the County Act. The committee also opposed working with the Home Rulers to secure such action.

The meeting of the Democratic Central Committee was called at Waverly hall last evening for the purpose of considering a communication from the Home Rule party asking the cooperation of the Democratic party in securing a Congressional county act. The Democrats and Republicans were asked to unite in non-partisan appeal to Congress for such action as would insure a county act for Hawaii. The letter was discussed at some length and it was the unanimous decision that no joint action should be taken with the Home Rulers in the matters. The objection was not only towards acting with the Home Rulers but also to Congressional interference with local affairs. A reply will be sent to the Home Rulers today acquainting them with the decision of the Democrats.

The Republican Central Committee will consider a similar request from the Home Rulers at a meeting to be held Saturday night.

FOOD FAMINE LIKELY BECAUSE OF JAP WAR

Hawaii has another food famine, but it is caused this time not by the presence of an American fleet in port, but by actual war in the Orient. There is no Japanese rice in the city and although it is quoted at five dollars per bag, there is none to be had at any figure. The Hawaiian rice is also said to have suffered greatly by the recent storms and until the arrival of the Siberia March 5th the Japanese people here are likely to suffer from lack of food. The Siberia has aboard some 10,000 bags of rice and other Japanese provisions, which will relieve the situation somewhat, although the whole sale dealers in these goods already have advance orders which will take all of this. It is the opinion of some however that if the war is prolonged Japan will shut off the shipment of any provisions from Japanese ports as the supplies will be required for the army and navy.

K. Yamamoto, manager for S. Kojima, wholesale provision merchant, said yesterday: "We are unable to quote any fixed prices for Japanese rice or provisions. We get cabled advices every day and they are never twice alike. But all Japanese provisions have gone up and there will probably be further increase if the war continues. Soy and beans will be especially high as since the war commenced we have been unable to get a shipment through. The beans come from China and communication between that country and Japan is cut off. "Rice is now quoted at five dollars per bag, but none can be obtained at that figure. There is no Japanese rice in the city and Hawaiian rice has also gone up to five dollars per bag. I understand that the rains did much damage to the Hawaiian rice crop and there will not be the usual supply. We received 4,000 bags of rice on the last steamer, and expect to get more on the Siberia which will relieve the rice famine here. We have already sold 5,000 bags in advance of what is coming on the Siberia, and our whole stock has already been taken. I expect that if the war continues Japan may shut off the shipment of supplies from there altogether, but so far we have received no advices to that effect. But all this rice will be needed for our soldiers and sailors and of course we cannot expect to get it here."

HAMANO'S VIEWS.

At the wholesale provision house of H. Hamano, the manager said: "Prices of Japanese provisions have advanced from ten to fifteen per cent. since the war began. Beans are going higher still and there is no rice in the market at the quotations given of five dollars per bag. The shortage in food supply and the increase in prices is due not only to the war, but also to the taking off of the three Maru steamers. The steamers now on the run are insufficient to bring over all the food supplies needed in Hawaii, and the famine is likely to cause considerable suffering." At S. Osaki the manager said that there had been a general increase in prices, in Japanese rice of about twenty per cent. He said that he had a small quantity of rice still on hand, but it would not last very long.

(ASSOCIATED PRESS CARLEGRAMS.)

WASHINGTON, Feb. 28.—Messrs. Smith and Alexander appeared before the House Committee on Insular Affairs yesterday and opposed the Frye-Littlefield bill extending the coastwise navigation laws to the Philippines. They said that \$32,000,000 invested in Hawaiian plantations only earned \$900,000 in 1903 and that the planters cannot pay the increased freight rates on sugar cargoes which would come of the absorption of American vessels in the Philippines trade.

TOKIO, Feb. 29.—The Korean troops are massing on the Hangyang frontier.

ALEXIEFF STILL IN COMMAND.

YINKOW, Feb. 29.—Alexieff will remain at Mukden until the reorganization of the Russian forces is completed.

GALE AT PORT ARTHUR.

PORT ARTHUR, Feb. 29.—The situation here is unchanged. There is a heavy gale with much thunder and lightning.

TIENTSIN, Feb. 29.—The reported landing of Japanese at Possiet Bay is unconfirmed.

ICEBOUND BOAT WILL BE BLOWN UP

NEWCHWANG, Feb. 16.—The Russian gunboat Slocum is icebound here alongside the British gunboat Deplegie and the American gunboat Helena. The Russian vessel is cleared for action but her captain has asked Admiral Stark, commanding the fleet at Port Arthur, for authorization to blow her up in the event of the Japanese landing.

H. M. S. Flagship Bonaventure, Supposed to be Ashore on Central America.

HAD HATCHET IN TROUSERS

Armed Chinaman Caught by Police.

Armed with a hatchet and a butcher knife and supplied with a score of keys of as many different kinds, two Chinese were arrested last night near Walker's Rice Mill back of Kawaiahae church, by Officers Mokeha and Espinda and taken to the police station, where a charge of vagrancy was placed against them temporarily. The two prisoners are believed by the police to be the king-pins of a quintette of clever Chinese crooks who have been operating extensively during the past few weeks.

The hatchet was found on the person of Chu Sui, having been thrust into his trousers at the waist and held in position by a leather strap. The knife was thrown away while the pair were endeavoring to escape. The greater number of keys were also found in the pockets of Chu Sui, who is believed to be the head of the gang.

Mokeha and Espinda were given a tip a day or two ago that the gang had its eye on the rice mill and that they would break into it shortly after midnight this morning. The information was given them by a Chinaman who had been tempted by the others to join with them in the burglary. He was with the prisoners who visited the rice mill yesterday, when Chu Sui and Ah Kwal went to see Mr. Walker ostensibly to learn the price of rice and to make a fictitious deal. While one engaged the proprietor in conversation, the other stood with his back to the door with his hands behind him. In his hands he held a bunch of keys and some were cleverly inserted into the key-hole to see if they would fit. It is alleged that this method was successful, and the interior of the place was at the same time closely observed. It is said that one key was found to fit the lock perfectly.

The confederate on whom the two principals relied, however, gave his information to the police, and Mokeha and Espinda concealed themselves in the neighborhood of the mill last evening. Shortly after 9 the two Chinamen appeared before the mill and were about to enter the premises when they suddenly turned and started away. The officers arose and went toward them. The Chinese are alleged to have taken to their heels, but the race did not last long. One Chinaman was seen to throw something away, which looked suspiciously like a knife. When they were caught Chu Sui was making an effort to rid himself of his hatchet but did not succeed. Some keys, thrown away by the fugitives, were picked up from the street by the officers.

Both prisoners are said to live in a two-story house on Vineyard street, with three others. The room is said to contain much of the spoils of several raids and includes silk dresses, and dress goods. The place will be searched at once.

The charge of vagrancy was later changed to investigation by order of Deputy Sheriff Chillingworth.

The informant told the police that he believed that nearly a ton of rice had been stolen from the Walker mill in small quantities. The rising price of rice at present has possibly been the incentive to a wholesale robbery of the mill.

WAR WAGING ON WATERFRONT

War is being waged between the master of the American ship St. James, Captain Mulcoy, and the Sailors' Union, or at least a representative of that organization who recently came to Honolulu from San Francisco.

The St. James finished loading ballast yesterday and as soon as a crew is shipped, she will proceed to Puget Sound, there to await orders.

It is understood that the Sailors' Union and other waterfront seamen's organizations are endeavoring to tie the vessel up here. There recently arrived in port a new agent for the Sailors' Union, whose chief object recently seems to have been to injure shipping considerably, and at the same time, not to benefit the organization which he represents.

It is understood that on Thursday night Captain Mulcoy had to apply to the police department for men to keep surveillance over his vessel.

Matters hinge upon the fact that many ship owners on the Pacific coast have entered into an agreement with the Sailors' Union, and crews are obtained without difficulty. This is not the case with the St. James, and the local Union, or its representative, in ignorance or otherwise of this fact, seems to be working in direct opposition to the ship's master.

ONE OF THE TRIUMPHS OF MODERN SURGERY.—By applying an antiseptic dressing to wounds, bruises, burns and like injuries before inflammation sets in, they may be healed without maturation and in one-third the time required by the old treatment. This is one of the greatest discoveries and triumphs of modern surgery. Chamberlain's Pain Balm acts on this same principle. It is an antiseptic and when applied to such injuries causes them to heal very quickly. It also allays the pain and soreness. Keep a bottle of Pain Balm in your home and it will save you time and money, not to mention the inconvenience and suffering such injuries entail. For sale by all Dealers and Druggists. Benson, Smith & Co., Ltd., Agents for Hawaii.

SUGAR STOCKS TAKE A BRACE

Strengthening of many sugar plantation stocks was apparent yesterday at the Stock Exchange sessions, the result of the favorable reports made at the annual meetings of various plantations, which have been held this week. The tone of the whole stock market is brighter and stronger and the prospects, as given in the managers' reports, have restored confidence in the sugar output.

Ewa stock which was bid for last week Friday at 17 1/2, went to 20 yesterday. Waiaina also took a jump to 27 1/2 bid, 40 asked, last week's quotations being 25 bid. Some shares were sold at 38.

With McBryde, the stock has gone to 24 bid, against 2 bid last week. Onomea has gone up a half point bid, having been 2 1/2 last week. Olaa went from 6 1/2 to 7 bid.

All the reports presented this week on the year's sugar prospects were of a kind to cheer up the financial atmosphere, and the sunshine of prosperity is glimmering through the clouds.

Prosperity Barometer.

"Sugar is the barometer of the prosperity of Hawaii and when sugar is up business here is good," said Mr. Joseph Marsden yesterday at the Pacific Club. Mr. Marsden is one of the old kamaaina. He came here in 1889 and was one of the annexation commissioners to Washington. Six years ago he left the islands for good, although he still retains large interests here, and made a visit to Honolulu four years ago. After a visit of about a month Mr. Marsden will return on the Siberia March 5th to his home in San Francisco.

"There have been some changes since I was last here," continued Mr. Marsden. There are many new buildings and also many vacant stores. Honolulu has been overbuilt. You tried to go ahead in too big a hurry. If sugar goes up Honolulu will catch up again, business will be good and your vacant store rooms will be filled.

"The sugar industry is the mainstay of the islands." Without sugar no ships would come and go from this port. There would be no business. Sugar is picking up some. I brought the first sugar here myself some years ago. Coffee prices are down and labor is difficult to obtain for the coffee plantations and while pineapples are doing very well they will never take the place of the sugar industry. Sugar is a staple article and always in demand.

"I believe that we can look for an increase in sugar prices by the close of this year or the early part of next. It may not be large, but every little counts. There are always bright prospects for sugar provided Hawaii has no difficulty with her labor. Sugar can only be a success with cheap labor and the white man cannot work in the fields. Even if he would, he could not earn enough to pay his board. Only with cheap labor can the industry be made profitable, and even now the planters are compelled to pay more than they should. That is one trouble with coffee. In Brazil it is raised with cheap labor and can be put on the market at a profit, at the prices now prevailing. There is considerable difference between five and ten cents a day, and eighteen dollars per month as the planters here are required to pay their labor. In Mexico the peons work for twelve and a half cents a day. In Japan and China laborers work in the tea plantations for four and five cents a day. Tea can be raised in many parts of the United States, but it wouldn't pay with the wages which must be paid to labor.

"There is no reason why the mechanics should be antagonistic to the plantation interests in Hawaii. When sugar is high and times are good there is always work for the mechanic and business for the merchants. And when sugar is low money is scarce and the people are not spending any. They have their sugar stocks but as long as no dividends are being paid they can't spend it.

"I believe that there will be better sugar prices before the end of the year. Everything points that way. Look at wheat. It is now quoted at \$1.09 per bushel, which is bound to have its effect on sugar. With wheat at that figure the beet sugar growers in Europe are going to plant a less area in beets this season and put in more wheat. With a smaller production prices are bound to go up. Hawaii is a sugar country. The soil here is especially adapted for growing cane and it will never pay to try anything else while the conditions are so favorable for sugar. And sugar will pay better than anything else as long as labor conditions are right."

The Armory Site Chosen.

It is practically settled that the N. G. H. armory for Honolulu will be erected in the southeasterly corner of the Capitol grounds at Hotel and Like streets. The site is now occupied by rude workshops and storehouses. It once contained an experimental vegetable garden, the public comments on which made the ears of Wray Taylor, then Commissioner of Agriculture, tingle.

Although the Capitol grounds constitute one of the principal parks of Honolulu, the proposed site for the armory has never been frequented by the public. According to the design the armory will be a presentable edifice and, especially in contrast with the buildings now upon the site, ought to make an attraction for passengers in the Hotel street electric cars.

Governor Carter stated yesterday that the Capitol grounds site was the only one presently available and it was desirable that the erection of the armory, as provided for in the loan appropriations, should be immediately undertaken. In announcing the selection of the site before building operations were begun, the Governor stated that he wished to avoid any cause of complaint that the public was taken by surprise.

HAWAII INTERESTED IN BILL BEFORE CONGRESS

Proposed to Prohibit Employment of Chinese on American Vessels—Chamber of Commerce Petitions at Washington.

(Mail Special to the Advertiser.)

WASHINGTON, D. C., Feb. 15.—Delegate Kalaniana'ole has presented to the House the resolution of the Honolulu Chamber of Commerce, favoring the bill of Senator Lodge to reorganize the consular service of the United States. It was referred to the committee on Foreign Affairs, of which Representative Hitt, of Illinois, is chairman. The bill has been recently considered in the Senate Committee on Foreign Relations, where a disposition was shown to amend the measure extensively, although no final action was taken.

The Delegate has also presented a resolution of the Honolulu Chamber of Commerce favoring federal aid to the Lewis and Clark expedition to be held at Portland, Oregon, next year. It was referred to the Select Committee on Industrial Arts and Expositions, of which Representative Tawney, of Minnesota, is chairman. Senator Mitchell has already had the bill passed at that end of the Capitol and an earnest campaign in behalf of an appropriation of \$2,000,000 is being made in the House.

The Board of Appraisers in New York have affirmed the decision of the collector of customs at Honolulu as to the duty on millet seed cake, imported into Honolulu by U. Kobayashi. The appraisers hold that small cakes made from millet seed, sesamum seed, and sugar, inclosed in a wrapper printed in Japanese characters, and used as a confectionery or sweetmeat, is dutiable as confectionery, rather than as non-enumerated manufactured articles. The importers failed to appear at the hearing in person or by attorney and offered no evidence whatever in support of their claims.

DECREASE IN GERMAN SUGAR EXPORTS

United States Consul John E. Kohl at Stettin, Germany, has forwarded here the following statement about the decrease in export of raw sugar from Germany:

"Official figures covering the German sugar campaign of 1902-3 indicate the beginning of a reverse of former conditions—i. e., the home consumption will exceed the quantity exported. Figures for the sugar season 1903-4—that is, since the Brussels sugar convention went into effect—will not be available for several months; but if the export of raw sugar from this consular district can be taken as an indication of the export in general, the sugar remaining in the country will, for the first time in ten years, exceed the amount exported. In this respect, one of the objects of the convention—to promote the development of the consumption of sugar—is properly developing itself, as far as Germany is concerned. Statistics show that the total amount of raw sugar exported from Germany during the eleven years 1891-1901 amounted to 10,538,136 tons, while the home consumption amounted to 7,144,201 tons, or 67.4 per cent of the total produced, against 59.6 per cent, the amount exported. In 1893-94 the home consumption amounted to 574,500 tons, while in 1902-3 it amounted to 811,953 tons.

"Within the last year the local retail price of lump and granulated sugar dropped from 32 pfennigs to 24 pfennigs per pound, or nearly 1 1/3 cents. When the new sugar—the sugar which was manufactured during the last quarter of 1903—comes on the market a further decrease in price and more than a corresponding increase in home consumption can be expected. The export of raw sugar from Stettin to the United States during the calendar year 1903 amounted to \$3,883,200, against \$7,932,249 in 1902, \$1,243,321.22 in 1901, and \$2,204,588.88 in 1900."

Representative Livermash, of San Francisco, has introduced a bill "to prohibit the employment aboard vessels holding American register of Chinese persons not entitled to admission to the United States" under penalty of a fine not exceeding \$2,000.00. The penalty is not to accrue in the case of a vessel which suffers loss of a portion of her crew by reason of distress or stress of weather in any foreign jurisdiction. No action on the bill is likely at this session of Congress.

The following is the bill in full: Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this Act it shall be unlawful for any vessel holding an American register to have or to employ in its crew any Chinese person not entitled to admission to the United States, or into the portion of the territory of the United States to which such vessel pleads; and any violation of this provision shall be punishable by a fine not exceeding two thousand dollars. But said penalty shall not accrue in the case of any such vessel which shall suffer the loss of a portion of her crew by reason of distress or stress of weather in any foreign jurisdiction or port and shall be compelled thereby to employ Chinese seamen to complete her complement of officers and men: Provided, That to re-

lieve from said penalty in such case it shall be shown to the satisfaction of the appropriate officer of the United States that in such foreign jurisdiction or port no seamen other than Chinese were obtainable, and that every such Chinese seaman was discharged from the service of such vessel immediately upon the arrival thereof at the first port where seamen other than Chinese could be obtained, and that if so discharged at any port under the jurisdiction of the United States no such Chinese seaman was permitted to depart from such vessel, but that each such Chinese seaman was forthwith transported as a passenger on such vessel, and at the expense thereof, to a foreign port, and that no such Chinese seaman did reenter the service of such vessel after such discharge.

Sec. 2. That any vessel holding an American register and directly and regularly competing for freight and passenger or freight or passenger traffic with any vessel or vessels holding foreign register and regularly employing Chinese seamen as a majority or more than a majority of crew, shall, for each voyage from and to a port of the United States, be paid out of any moneys in the Treasury of the United States not otherwise appropriated, a sum equal to the difference between the wages actually paid to her seamen and the ruling wages which would have been paid for corresponding service by Chinese seamen, said sum to be computed by the appropriate officer of the United States.

Sec. 3. That the appropriate officer of the United States, within the meaning of this Act, is that officer who is appointed for the designated service by the Secretary of Commerce and Labor of the United States.

Sec. 4. That when the officer designated by the said Secretary of Commerce and Labor to make the computation mentioned in section three, shall have made such computation the award shall be final and not subject to review by the judicial branch of the government of the United States. Provided, That an appeal from said award may be made on behalf of the vessel concerned, or by any officer of the Department of Commerce and Labor on behalf of the United States, to the said Secretary of Commerce and Labor, within ninety days after the said award.

Sec. 5. That the said Secretary of Commerce and Labor shall fix the time and manner of payments hereunder, prescribe the vouchers, with forms of account and verifications upon which such payments shall be computed and made, and shall prescribe whatever regulations may be necessary to carry into effect the provisions of this Act.

Sec. 6. That this Act shall take effect sixty days after its passage.

The Washington Post in a recent issue has the following about the Chinese exclusion act:

"The short session of Congress may see another Chinese exclusion law contest. At present the government is operating under the Plaut law of 1902. This act was passed after one of the most interesting contests that has been witnessed in Congress for some time, and after the House had passed and the Senate Committee had reported a very drastic measure. Then the Connecticut Senator came forward with a substitute, not very long, but continuing in force the old laws with a few necessary changes, and it was accepted by both Houses. But this law is to continue only so long as existing treaties are in force, and the present exclusion treaty with China will terminate December 8, 1904, if either the United States or China should give notice of termination any time before six months previous to that date. It does not appear yet whether such notice will be given, but if not the treaty will remain in force another ten years from December 8 next. The exclusion law, which is designed to carry out the treaty will then continue until superseded. At the time it was passed there was an intention on the part of the most intense anti-Chinese members of Congress to have a new law and a new treaty at the termination of the present treaty with China. Some suggestion has been made that notice should be given within the prescribed limit, and a new treaty negotiated. China wants some concessions in favor of students and merchants, and some Americans interested in China think the privileges of Americans in China as to travel and trade should be enlarged. The matter has been discussed in an unofficial way by American officials with Chinese officials in China, but not with a view to taking up the matter immediately. While dissatisfaction prevails on both sides, there is some inclination to allow the present treaty and law to continue rather than go through the throes of further Chinese exclusion legislation."

ERNEST G. WALKER.

Sugar Fleet at San Francisco.
Receipts of sugar from the Hawaiian Islands yesterday amounted to 63,698 bags. The bark Amy Turner, 15 days from Hilo, brought 10,738 bags; the schooner Aloha, 18 days from Honolulu, had a cargo of 22,235 bags; the bark Edward May, 22 1/2 days from Makawell, brought 13,906 bags, and the steamer Alameda had 16,235 bags in her cargo.—Chronicle, Feb. 11.

"Have you ever been in South Dakota?" he asked. "No, sir," she immediately replied. "My husband was killed by being mistaken for a deer in Michigan."—Chicago Record-Herald.

JOE FINN NOT GUILTY

Decision by Judge De Bolt—Supreme Court Hearings, etc.

Joseph Finn is acquitted of shooting Hugh Rooney with intent to commit murder. The jury returned a verdict of "not guilty" at 2:30 last night, having retired to consider their verdict at 5 o'clock. They had been called in at 4 o'clock and sent in charge of the bailiff to the Union Grill for dinner, with instructions to return to their deliberations in the courthouse at 7:30. J. J. Dunne began his closing speech for the defense when the court opened at 2 p. m. after the noon recess. He made a strong attack upon the credibility of certain witnesses for the prosecution, roasting in particular Macaulay, the Porto Rican interpreter, whom he designated "a negro spy." W. B. Fleming closed for the Territory, ably summing up the evidence against Finn. Judge Robinson then delivered the charge of the court and passed upon requested instructions.

The courtroom was crowded all day with friends of the accused and of the complaining witness. Following is the panel that acquitted Finn: John J. Egan, E. R. Stevens, E. Wm. Spencer, W. L. Fletcher, John G. Lantz, Samuel Nowlin, Wm. Dunbar, John Coffee, Clarence H. Cooke, Alex. C. Dowsett, James A. Lawelays, James W. Bergstrom.

QUESTION OF COMMISSION.

A decision of the "hard but honest" kind was rendered by Judge De Bolt yesterday in the matter of the estate of August Kraft, late of Honolulu, deceased.

August Kraft by his last will devised all his property, real, personal or otherwise, to be equally divided among his children, with the proviso "that the property in Honolulu situate in said Honolulu be sold." The executors named in the will declined to act and W. L. Howard was appointed administrator with the will annexed. The heirs elected "to take the real property" and "all jewelry in the hands of the administrator in lieu of the proceeds of a sale thereof." The real property was appraised at the value of \$14,000 and the jewelry \$154.75.

The administrator presented his accounts for allowance, in which is a charge for five per cent. (\$701.75) for commission on \$14,154.75, the appraised value of the property just mentioned. Counsel for the heirs objected to the allowance of this commission, contending that under the rule as laid down by the Supreme Court in the Molteni and Long cases, commissions can only be allowed on money received and paid out.

Counsel for the administrator contended, particularly as to the land, that the testator having directed that it be sold a commission thereby resulted, and that it must be considered as money.

Judge De Bolt decided against the administrator in the following words: "I am of the opinion, however, that the objection of counsel for the heirs is well taken. It seems quite clear that the title to the land passed by the will direct to the devisees; and assuming, without deciding, that the administrator succeeded to all the powers relative to the sale of the property in question, which the executors would have had, still it was a mere power of sale and was revoked by the election of the heirs to take the property in lieu of money. However much we may feel that the facts involved work a hardship upon the administrator, it is equally obvious that the court has no power to enlarge the statute to meet the seeming equity of his claim. The commission claimed by the administrator, therefore, cannot be allowed."

The court then allows the counsel for the administrator \$50 in full for all his services, being additional to a fee of \$500 previously allowed on account. A fee of \$50 is allowed F. D. Kelleit, Jr., master, besides \$7 expenses incurred by him.

SUPREME COURT.

Since last report the Supreme Court has heard cases as follows:

Territory of Hawaii vs. E. S. Cunha, appeal from District Court of Honolulu, argued and submitted.

S. Ahmi vs. Annie Waller et al., error to First Circuit Court, argued and submitted.

Irene B. Cornwell vs. J. F. Colburn, appeal from District Court of Honolulu, submitted on briefs.

H. Hackfield & Co., Ltd., vs. Hilo Railroad Co., exceptions of defendant from Fourth Circuit Court. Exceptions withdrawn and case remanded to the court below.

J. F. Colburn vs. Hawaii Land Co., appeal from District Court of Honolulu, discontinued.

Lucy K. Peabody vs. S. M. Damon et al. (Bishop Estate), error to First Circuit Court. Motion to dismiss submitted on briefs.

COURT NOTES.

It is stipulated in the case of Henry Smith, trustee, vs. John D. Holt, Jr., et al. that the defendant Waiaina Agricultural Company have until and including March 8 in which to answer, demur or otherwise plead.

Judge Gear granted a decree of divorce to Benjamin Starr Kapu against Julia Naomi Kapu, on the ground of desertion. J. L. Kaulukou appeared for libellant. The libellees made no appearance, as she had also made no answer to the complaint.

Judge Gear appointed M. Miki, police officer, as administrator of the estate of Nakalima Imakiki, deceased, under \$1,000 bond.

HOLT TO BE ASSESSOR

Decision by Judge De Bolt—Supreme Court Hearings, etc.

Jas. L. Holt will be tax assessor to succeed Jas. W. Pratt in the Oahu office. He was endorsed for the position yesterday by the Republican Executive Committee and with the understanding that he was the man whom Treasurer Kepoikal wanted.

There were two other candidates for the position before the committee, George Smithies, the present deputy insurance commissioner, and A. V. Gear. Both of the latter had the endorsement of their district committees, but were turned down by the executive committee. The choice of Holt was practically unanimous and his name will be sent to Treasurer Kepoikal today. Holt is now deputy assessor and has been in practical charge of the office since Pratt became Land Commissioner. He is a competent man and has had long experience in the tax office so that he is well qualified for the position. The name is also said to have the endorsement of the Governor and Kepoikal will probably make the appointment today.

Less Cost More Work.

With an increased working capacity the Honolulu road department has had its expenses all told reduced by almost one half.

Governor Carter was very much gratified at receiving a statement of account revealing the great economy just stated from C. B. Holloway, Superintendent of Public Works, yesterday.

Road Supervisor Sam Johnson has not only the full number of men previously employed at work, but has had to buy two additional wagons as tenders to work on the city streets.

The cost of maintaining the road and bridge service for January, including salaries and payrolls, was but \$23,709 as compared with a round \$60,000 a month at the end of last year. Running expenses of the department now average about \$300 a day against about \$850 formerly.

Feed for the animals has been brought down to a cost of \$3 a head for the month. No outside teams are being hired now, whereas heretofore numbers of such were employed at a charge of \$3 a day for each team. Both of the stone quarries are being operated to their full capacity.

There is no new work being done at present, the entire resources of the department being applied to repairing the damages caused by the recent storm.

Waterhouse Memorial.

The 4:30 service at the Y. M. C. A. tomorrow will be somewhat out of the ordinary. The subject will be "Lessons from the lives of our friends," with special reference to the late Henry Waterhouse, who for more than thirty years was actively identified with the Association, at one time holding the office of president. W. W. Hall, a friend and neighbor since boyhood days, will take the lead in this service and opportunity will be given as many others as time will allow to tell how his life has helped their lives. The meeting is open to all. Music will be furnished by Kawaiahae church singers.

American Nurses for Mikado.

According to reports from the mainland a party of American war nurses, who have seen service in the Philippines, will sail from San Francisco for Japan the early part of March. It is said that the Japanese Minister at Washington has received a favorable answer accepting the offer of Dr. Anita Newcomb McGee of Washington, D. C., to take to Japan a party of trained nurses. This party, it is said, will proceed to Oosaka, a port on the Inland Sea, which is the base to which disabled troops will be sent from the front.

Up Tents Afloat.

Several tourists and others who do not work this afternoon are desirous of climbing Tantalus. Weather permitting, Secretary Brown will lead a party up and back between lunch and dinner time. Men and boys wishing to attempt it will be at the Y. M. C. A. promptly at 1:30.

Burford May Call.

The United States Army transport Burford, which is to carry 600 marines to the Philippines, has been delayed at San Francisco. The vessel is to load Oregon pine at Portland or Seattle. She may call at Honolulu en route to Manila.

Humboldt Far Buoy.

Office U. S. Lighthouse Inspector, 12th District.

San Francisco, Cal., Feb. 17, 1904.

Notice to Mariners. Humboldt Bar, California. (List of Beacons and Buoys, Pacific Coast, 1903, p. 22.)

Notice is hereby given that a red and white buoy, No. 1, at Humboldt Bar, California, has been replaced by a new one. It will be replaced as follows: By order of the U. S. Lighthouse Inspector, J. R. Miller.

By order of the U. S. Lighthouse Inspector, J. R. Miller.

E. P. DOLE WRITES FROM WASHINGTON

Washington, D. C., Feb. 13th, 1904.
Editor Advertiser: It is almost two months since I left Honolulu. It is likely to be another two months before my return, and this morning "the spirit moves me," as the Quakers say, relying upon the courtesy of your paper, to chat a bit with my island friends. Not that I have anything of particular importance to communicate, but you know what Mark Twain said—"There is no other land like that"—and I don't see how one can live there for years without having an abiding aloha for the land and a goodly portion of its people, and without longing—even in this beautiful city of Washington—to class this one and that one by the hand and say, "Howdy!"

As I write these lines Behator Hanna is passing away. In some respects I think his career has had few parallels in American politics. He was a plain business man, a man of large affairs but unknown in the political world, until he had past the meridian of life. Then his personal love for William McKinley led him to devote his tremendous organizing and executive powers to the McKinley campaign, and he became famous as chairman of the Republican National Committee. A rich man and a large employer of labor, he won the confidence of both labor and capital to a greater degree than any other public man in the United States; not as strong with the masses of the people as President Roosevelt, but stronger with these two mighty factors and also with the politicians. In his old age, and without previous training or experience, he developed the qualities of an attractive and convincing public speaker, and, which is higher and rarer, the gift of stating propositions with the clearness of self-evident truths. It seems to be the common opinion here that, if his health had been spared and he had wished it, the next Republican nomination and election for the presidency was within his reach; and, certainly, he was the only man in the United States who would have had a ghost of a chance against Mr. Roosevelt. As a lawyer I can't undervalue the services of great lawyers in public life; but good government is not a mere matter of legal knowledge, political tact and brilliant oratory—it is much more a business proposition, a practical, business-like administration of a public trust for the public benefit, and I think it would be improved by a larger number of honest, broad-minded, level-headed business men in public life.

The business which brought me here has taken me to Baltimore frequently. I was there last Wednesday, two days after the fire. The burned district—140 acres in the heart of the city—was guarded by United States soldiers, and within those lines was a great tract of desolation, where property equal to the entire taxable valuation of the Territory of Hawaii had been burned up in thirty hours. But Baltimore, with its southern trade and its great industries and its 600,000 inhabitants, is immeasurably rich, and has a future even brighter than its past. The fire is not a knock-out blow.

As the business which brought me here is in no way connected with politics or with public affairs, I have not met public men as much as I otherwise naturally would; but, in so far as I have heard, Hawaiian affairs talked about, there is a common expression of regret that we have permitted factional differences among ourselves to be carried so far. This opinion, whether we deserve it or not, seems to prevail both in the executive and in the legislative branch of the government, and I think it hurts the good name and the material interests of the Territory more than most of its citizens realize. I have been interested in watching the Panama debate in the Senate, and especially in Senator Tillman of South Carolina. In some respects he is a larger and stronger and more self-controlled George A. Davis. At any rate, he is a character and a genius.

Most of the time the weather has been delightful here. The grip of Jack Frost is a welcome change from mild, eternal June.

I must close.

With aloha nui to all my friends,
E. P. DOLE.

CAPT. RODMAN RECEIVES ORDERS

Lieut. Commander Rodman, captain of the U. S. S. Itasca, received orders yesterday's mail from Washington, instructing him to report to the Commander-in-Chief of the Asiatic Station for duty. His orders read:

"Upon the reporting of your relief, Lieut. Commander A. P. Niblack, U. S. N., you will regard yourself detached from duty at the Naval Station, Honolulu, and from such other duty as may have been assigned to you, proceed by the next steamer leaving Honolulu for Manila, and upon arrival report to the Commander-in-Chief of the U. S. Asiatic fleet for such duty as he may assign you on the station under his command."

Captain Rodman will leave Honolulu on March 4 in the S. S. China. Mrs. Rodman arrived yesterday on the Alameda after a long absence from Honolulu, and will remain here until the captain proceeds to the Philippines, whereupon she will return to the States. Mrs. Rodman is much improved in health.

NOT A MINUTE should be lost when a child shows symptoms of group, Chamberlain's Cough Remedy given as soon as the child becomes hoarse, or even after the cough appears, will prevent the attack. It never fails, and is pleasant and safe to take. For sale by all Dealers and Druggists. Parson, Smith & Co., Ltd., Agents for Hawaii.

MOSQUITO CAMPAIGN

Executive Committee Hears Report on Finances.

A meeting of the executive committee of the Citizens' Mosquito Committee, consisting of Dr. C. B. Cooper, chairman; Dr. Pratt, P. M. Pond and D. L. Van Dine, was held yesterday afternoon at 1:30. The report of the agent, A. D. Larnach, was read, as was also the report of the Finance Committee. The latter is as follows:

Honolulu, Feb. 24, 1904.
Hon. C. B. Cooper, M. D., Chairman General Committee.

Dear Sir: The finance committee has realized from the first the responsibility resting upon it. A careful and complete record with vouchers has been kept of all financial transactions. Mr. Chas. H. Atherton has carefully audited the accounts to Jan. 1st, 1904, and certified to their correctness.

Rigid economy has been practiced in every branch of the work. The various government departments have cheerfully cooperated. We have had wagons from the Road department, assistance in the office of catchbasins from the Public Works department and prison labor from the jail. The entire force of Board of Health Inspectors under Dr. Pratt is daily rendering invaluable assistance. The U. S. Agricultural Experiment Station has very greatly aided us. The public press has been very liberal in its support of the movement. Thus it has been possible for us week by week, to get a firmer grasp on the situation and still keep within the limit of our means of cash expenditure.

The committee's agent, Mr. Larnach, has shown ability and unusual judgment in dealing economically with difficult questions of drainage and relief.

The situation of the committee on Jan. 1st, 1904, was substantially as follows, as a result of some three months' work:

RECEIPTS	
Lump contributions	\$198.00
Monthly pledges	597.00
	\$795.00

DISBURSEMENTS	
Organization, expense	
Printing, postage, etc.	\$3.75
Salaries and labor	637.00
Oil, supplies, etc.	53.25
Sundry bills	28.15
	\$727.25

Cash on hand Jan. 1, 1904 \$267.75

Now that the work has been carefully mapped out it is increasingly difficult to keep our monthly expenditures below \$900, the approximate amount of our monthly receipts. There are a number of very urgent calls. But the committee has thus far been very cautious in not making any considerable outlay.

The departure of Mr. P. R. Helm has deprived the committee of a very useful and able member.

In conclusion let me say that it is the conviction of the committee that an energetic prosecution of the work now in progress will by midsummer show results highly satisfactory to the public at large and will fully justify the labor and expenditure put forth.

P. M. POND,
Chairman Finance Committee.

The work of the committee up to the recent storm was reported as having been generally successful, but the long siege of rain has made innumerable breeding places in the level districts of the city and vicinity. It has been impossible for the agent to locate all these spots, but those found have been filled. Some places have been filled up, others drained, and the remainder will be treated as rapidly as possible.

Thousands of adult mosquitoes have already issued, and though the breeding places were at once removed, these adults would remain in existence for several weeks.

The committee reached the conclusion that it could eliminate all the serious breeding places in six months. The remainder are the ones found ordinarily in dooryards, and the prevention of mosquitoes breeding in these devolves upon the householders themselves. The committee does not assert that in six months the mosquitoes will be exterminated, but contend that efforts for controlling the mosquitoes must be continuous.

The greater part of the work of the committee so far accomplished, was shown at the meeting to have been done only through the hearty co-operation of the Board of Health. All breeding places discovered by the agent have been inspected regularly once a week by the Board of Health Inspectors.

To effect a more general use of oil, a spraying machine has been purchased and this spreads the oil evenly over large water areas. On the Alameda yesterday the committee received ten gallons of a special preparation especially recommended for mosquito extermination. This will be given a thorough trial, and if all that is claimed for it is true, it will be substituted for oil.

A tourist from St. Louis, who saw the mosquito exterminators at work a day or two ago, took a photograph to exhibit in the East. He was surprised to find how much interest was taken in the work and said it compared favorably with similar operations he had witnessed in the States.

Visitor: "What a racket the steam makes clanking through the pipes!"
Flat Dweller (shivering): "Yes. It reminds me of one of Shakespeare's plays." Visitor: "Which—"The Tempest?" Flat Dweller: "No. Much Ado About Nothing."—Town and Country.

NEGLIGENCE COMES HIGH

Damages to Donovan of \$800--Federal Court Proceedings.

By a decision of Judge Dole rendered in the United States District Court yesterday, the American schooner Willis A. Holden, which was held up at Kahului under attachment in the case, is condemned to pay damages of eight hundred dollars with costs to John M. Donovan, second mate of the vessel, for neglect to care for him properly when injured in the performance of his duty. J. J. Dunne was proctor for libellant, Robertson & Wilder defending the libellee.

On a voyage of the schooner from Newcastle, N. S. W., to the Hawaiian Islands, Donovan was injured while assisting a seaman in taking in the slack of the dunnage while the vessel was being lowered. Owing to the rolling of the vessel the rope, at the rate it was paying down, could not be kept taut. Donovan's foot got entangled in the slack and the rope tightening from the swing of the dunnage drew the man into the air for ten feet or more, lacerating one foot to the bone and dropping him on the deck so as to cause minor injuries in different parts of his body. From that time until the schooner reached the Island of Maui, about October 13, libellant was disabled and helpless, lying in his bunk and suffering great pain.

The court quotes a number of authorities on the question of the owner's responsibility where negligence of an injured person's fellow-servants is shown. Having found that in this case the sailors letting down the dunnage did so more rapidly than two men taking in the slack could safely handle it, the court decides this phase of the case thus:

"The occupation of navigating ships is not regarded as one of great and unusual danger, and in this case there is no evidence that the appliances furnished by the owners for the management of the vessel were not in a reasonably safe condition for the work."

"And that the vessel and the owners are not liable in damages for the injuries received by libellant in the accident referred to, which injuries were due to the negligence of his fellow-servants and partially, perhaps, to the dangers of the sea."

The second branch of the case consisted of a claim for damages on account of the failure of the schooner, her master and owner to supply libellant with proper surgical treatment at the end of the voyage. On this the court finds the following law:

"A seaman injured in the service of his vessel, even though the injury be the result of ordinary negligence on his part, is entitled to be taken care of at the expense of the vessel until the end of the voyage and longer if necessary to effect a cure, so far as the same can be done by the use of the ordinary medical means."

The Willis A. Holden arrived at Kahului about October 4th or 5th, for custom house entry, and immediately went to Kaanapali, her port of destination, arriving there October 6th. There was no complaint by libellant as to the care and attention he received on the voyage, the captain affording him such medical treatment as his knowledge and the resources of the ship permitted. A physician believed by Donovan to be a quarantine officer gave him advice with some treatment, off and on, until and including October 9th, other than which he received no further medical attention aboard the schooner. The captain claimed he had the Government physician at Kaanapali—who, as he said, came aboard to examine the crew—look at Donovan's foot and that this doctor treated the foot on the 7th, 8th and 10th of October, besides sending medicine to the ship by the captain on the 12th. Judge Dole suspects that the captain confused the names Kahului and Kaanapali.

Donovan was discharged on the 13th and he testified he was not sent to any hospital, but that the captain put him off from time to time when he had asked for a permit to go to a hospital. The captain to a certain extent contradicted him on this point. Donovan left the ship immediately upon his discharge, going ashore at Kaanapali and thence in a carriage to Lahaina. There he consulted Dr. Molony and paid him six dollars for dressing his foot. He reached the Queen's Hospital in Honolulu on October 17 and remained there until November 24.

Dr. Walters gave expert testimony on an X-ray examination of Donovan's foot. Dr. Mays also testified of the injury, both doctors agreeing that the injury was permanent. The evidence does not show to the court whether the delay between the arrival of the vessel and Donovan's entrance to the hospital may have prejudiced his chances of recovery, but it was the duty of the ship to have obtained for him, without unnecessary delay, surgical attention and a chance to have such treatment as might be necessary to a possible cure. I find that this duty was neglected by the master."

MORE SENTENCES.

Judge Dole sentenced two more of the Ten Dollar Club members for conspiracy. Mori was given a sentence of four months, and Abe six months' imprisonment. Abe was a student of Oahu College and had studied law, facts that the court deemed to enhance his guiltiness.

NEW CITIZENS.

The following named were admitted to United States citizenship by Judge Dole:

Antonio de Souza, Joe Silva, Manuel Ferreira and Jim. Muniz, Portugal; Emilio Parkkala, Germany, and August W. Johansen, Finland.

COMMERCIAL NEWS

The attitude of Congress on the franchise question is likely to cause a loss to Honolulu of some public utilities which were soon to be given the city. The parties behind the Diamond gas franchise had made all arrangements to install a plant in the city and supply fuel gas to the residents, and the necessary capital had been promised by California men. The difficulty which the Hawaiian Electric Co., franchise is encountering in Congress is likely to put a quietus for the present on the gas proposition, as the promoters are unwilling to accept a franchise for a shorter term than that granted by the legislature. The Hawaiian Electric is operating now without any legal right to do so, as their old franchise has expired. The local company has already made a reduction in rates in accordance with the act of the legislature.

Private advices from Washington received on the Alameda indicate that the gas franchise will have the same hard road to travel as did the electric grant. With the former, however, it works greater hardship as capital is loath to enter an enterprise where the corporate life is likely to be short and subject to the whims of a future legislative body. The question of franchises is becoming a vital one and the action of Congress is being watched with keen interest by the commercial interests of Honolulu. Not only is the gas franchise likely to be tied up in Congress but also the Kauai railroad company, which was to have been floated.

PLANTATION OUTLOOK.

Plantation reports have interested Honolulu people more than any other thing during the week. Of the meetings held, the reports have been eminently satisfactory, and the satisfaction is reflected by the upward tendency of the stocks. The Irwin plantations made no public reports but as the stock is held by a very few people it is taken for granted that the year's work has satisfied the stockholders.

Both Waialua and Ewa reports are flattering. Ewa starts the new year with a balance of nearly a million dollars and should get through the season without overdrafts on her agents. Ewa earned enough last year to pay a dividend of nearly fourteen per cent, and she may do this the coming year provided there is no drop in sugar. Ewa is now quoted at \$20 and few shares are offered at that figure. The last sales were at \$18.50 and \$19 is bid, with no offerings. An effort was made yesterday to purchase the stock in San Francisco but there was none obtainable. Ewa would probably be quoted even higher but for the fact of the announced decision of the directors to maintain a reserve fund, and there is no promise of an increase in the dividend rate for some time to come.

Waialua also went from \$35 to \$38 per share on the strength of the published report. Waialua has paid the cost of clearing now and it is expected that she may pay a dividend this year. Prospects for the next crops at both Oahu plantations are good. Kahuku's showing was also of the best. The stock is now offered just at par.

What increases the confidence in the plantations as a whole is the almost unanimous report on the part of managers of reductions in cost of production and the outline of a further plan of economy in the future.

PIONEER MILL.

A meeting of the Pioneer Mill Co. was held yesterday and the following report presented by Manager Barkhausen:

Crop 1903.—This amounted to 123,470 tons of cane or 16,672 tons of sugar. The percentage of sucrose was higher and the mill work better than during the previous year; instead of 8 tons of cane per ton of sugar as in 1902, only 7.477 tons of cane per ton of sugar were required during the last season; the yield per acre was nearly 8 tons against about 5.5 tons in 1902.

Crop 1904.—Cold nights and stormy weather seriously interfered with the growth of the cane during last winter, resulting in a loss which I estimate at approximately 12,000 tons of cane. Following is the area to be taken off:

2000 acres of plant cane.
300 acres of ratoons.

Total 2300 acres.

My estimate for this crop is 125,000 tons of cane or 16,500 tons of sugar, basing the latter calculation on last year's juice and mill work.

Crop 1905.—This will, under normal conditions, yield about 22,000 tons of 96 deg. sugar, to be taken off:

2200 acres of plant cane.
500 acres of ratoons.

Total 2800 acres.

Improvements.—The increased area of cane land taken under cultivation during the last year will account for the expenditures of clearing land, reservoirs, ditches, flumes, etc. Prospecting for water by tunneling in the mountains has been continued and proves to be a profitable investment. The water supply has been increased during the year by about three million gallons, making a total of seven and one-half million gallons of mountain water derived from three different sources:

- Kauaula tunnel furnishing 5.2 million gallons.
- Kohala tunnel, furnishing 1.2 million gallons.
- Honokahua tunnel, furnishing 1.2 million gallons.

The total expenditure for this quantity of water is \$21,485.42, or \$386.00 per million gallons. Taking as a base the rent to be paid for the Honokahua water, viz.: \$3000 per one million gallons per year, our own supply developed by tunneling would represent a value of \$338,400. The prospects for a further increase during the coming year are excellent.

Expenditures for permanent improvements during the coming year will include flumes, ditches and reservoirs for about 1000 acres of new land. This will nearly take in the balance of all of the available cane land, bringing the total acreage of the plantation under cultivation, to about 6000 acres.

The Honokahua ditch is almost ready for the water. Scarcity of labor, rain and other unforeseen complications have delayed its completion beyond all expectation.

There has been little activity in the street this last week, although there is demand for Waialua and Ewa. Hawaiian Commercial—200 shares are offered for sale in San Francisco. Reports of the remaining plantations are being awaited with much interest, particularly of those estates about which little has been given out during the year.

MISCELLANEOUS.

At a meeting of the bankers yesterday morning the rate of New York Exchange was reduced from fifty to forty cents. This rate corresponds with the San Francisco rate. Arrangements have been made by the Bank of Hawaii to issue drafts at the same rate as is charged for postal money orders. This will be a convenience to Hawaii in many ways. The wireless has been having difficulty with the government over the payment of the subsidy. An arrangement will probably be perfected by which the company agrees to pay a fine for every day the line is not in working order. H. M. von Holt has sold a portion of the Luahale lands recently purchased by him from the government for \$32,100 to J. M. Dowsett for \$22,300. The remaining portion of the same land he sold to J. A. McCandless and L. L. McCandless for \$10,000. The deed has been recorded also of the sale of the portion bought by McCandless to A. C. Dowsett and O. St. John Gilbert and Lee St. John Gilbert for \$15,000.

MEMORIAL TO WATERHOUSE

Loving Friends Pay Him Tribute.

Friends and admirers of the late Henry Waterhouse paid generous tribute to his memory at the Y. M. C. A. rooms yesterday afternoon. The memorial services were in charge of W. W. Hall, a life-long friend of the deceased, and Mr. Waterhouse was held up as an example for young and old to follow.

After a brief song service, R. H. Trent opened the service with prayer.

W. W. Hall paid a glowing tribute to the deceased. He said that Mr. Waterhouse had not been born in the islands, but came here in the early fifties and he had lived side by side with him for fifty years. In the early days there were fewer foreign families and the boys were brought up as brothers, so he came to know Mr. Waterhouse intimately. Mr. Hall spoke of the splendid work done by Mr. Waterhouse, of his Christian bearing, his gentleness and honesty. He spoke also of his love for the Hawaiians, his intimate knowledge of their language and his work among them, paying a high tribute to the character of the deceased.

W. C. Weedon said he esteemed it as one of his highest privileges to be known as a friend of Mr. Waterhouse. He had been met by him thirty-nine years ago upon landing at Honolulu and for three and a half years was domiciled with the Waterhouse family, so that they were brought up almost as brothers. He spoke of the great help and advice Mr. Waterhouse was always ready to give to others and said: "His Christian life and bearing was always uniform; when Henry Waterhouse died a noble man passed away, but he left behind a legacy which must be envied by every young man in the community and which will be a stimulus for all of us and a model to copy and pattern after."

Captain Bray spoke also of the kindly aid Mr. Waterhouse always extended to everyone and told of the ready assistance he had received when he desired to leave the sea and take employment in Honolulu. Robert Lay said what impressed him was not so much the man's knowledge of the Hawaiian language as his command of English. He said that so perfect was his language and his enunciation that he might have been a professor in English. His culture, refinement, and the gentle, loving manner also impressed him.

Rev. G. L. Pearson spoke of how Mr. Waterhouse had entered into the burdens of the church and helped to clear his path of difficulties. He illustrated the scriptural saying: "Bear one another's burdens." The secret of his happy life, Mr. Pearson said was found in the fact that Christ was in him, he was a thorough Christian. Secretary H. C. Brown said that Mr. Waterhouse had impressed him as the kind of a man an English nobleman should be; he was helpful and sincere and cheerful always. He was always hospitable and often invited young men—perfect strangers who had no place to spend Christmas or Thanksgiving—to his own house.

Rev. David A. J. said Mr. Waterhouse was a real Christian, he had taught at Kawaiahae Sunday school and his advice was always eagerly sought and followed. C. J. Day said Mr. Waterhouse had been always the same; quiet, unassuming and unobtrusive. No one ever felt afraid in his presence.

R. H. Trent said he had known him in a business way and told of how Mr. Waterhouse had quietly gone about to help others. He said that Mr. Waterhouse did not believe in memorial services but while he was alive often sent letters of praise and encouragement to those who might be discouraged. Theo. Richards, John Martin and others also paid a tribute to the deceased.

KATSUNUMA'S WAR CHANCES

Dr. Katsunuma, the veterinary and interpreter, is, it is reported, going to take the next steamer for Japan. Whether he goes there for the patriotic purpose of joining the Japanese military or on private business, is not known. As he is a naturalized American, it is very doubtful if the Japanese government would accept his services in the event of his offering them for the war. It is, however, certain that he would be assigned to a corps of cavalry as a Veterinary Surgeon-Major, should he be accepted, and would prove himself extremely useful in this capacity.—Hawaii Shinto.

LABORERS GIVE TO WAR FUND

The Japanese War Fund Committee has received the first contribution from plantation laborers. It is from 157 laborers, men and women, in the Nihoa plantation of Kohala, Hawaii. The total amount received is \$38.75, making an average of \$1.35 per laborer. The largest single contribution was \$50.00, while the smallest was \$1.00. If this initial contribution can be considered as a criterion for those from laborers elsewhere throughout the islands, it would not be surprising if the total amount raised here would reach over ten thousand dollars.—Hawaii Shinto.

MARINES ARE WELL FIXED

The Marines are just beginning to enjoy life in Honolulu. Comfortable quarters have finally been fixed up for them at the Naval Station and the soldiers of the navy don't care much whether Congress gives them an appropriation for a new building or not. There is expectation of an appropriation of \$5,000 and new quarters may be built on the Waikiki side of the Naval Station some time in the future.

What three weeks ago was a dirty shed with coal dust covered floors and ceilings of cobwebs is today a little city of homes. The new barracks are large and airy and almost handsomely furnished. Uncle Sam treats his soldiers and marines well and although there was but little money with which to do the work it has been made to go a long way.

The marines are more than glad that they are not living in tents, as had been originally intended. Even in the coal shed they had a pretty hard time during the first few days heavy rains, after their arrival, and they would have been flooded out of tents. Their quarters now are as comfortable as those of a first class hotel, even though they are living in a coal shed. The floors which were covered inches deep with coal dust, when they arrived, are now as clean as a parlor floor and the shed is hardly recognizable. The sleeping quarters of the men are in two long rooms partitioned off from the rest of the barracks. Every marine has a white enameled bed of his own and there are fifty of them altogether. To each bed is a mosquito netting and also other necessary conveniences. Uncle Sam is not stingy when it comes to providing for his marines. To the rear of the sleeping quarters is the kitchen. In it is a huge range, for the men do their own cooking and baking. Just outside the kitchen are the dining tables, for the men take their meals with little formality. To the left of the dining room a bath house has been fixed up with showers. Adjoining this a room is being prepared for the tailor and the barber. The company of marines has its own barbers and tailor and the former is already doing a good business at an improvised stand. There is also a canteen at which no liquors are sold. But a full supply of tobacco and other articles used by the marines is kept on hand and the profits of the canteen go to replenish the mess fund. The boys also have a pool table and library and other devices for passing away the time.

The marines are drilled every morning for an hour. Guard mount is at nine o'clock and an hour later the men are taken out for a drill. The marines are armed like the army with Krag-Jorgensen. There is also a guard house for unruly soldiers but it has not been used yet. Guards patrol the Naval Station day and night and the property of the United States is being well protected.

HAD HATCHET IN TROUSERS

Armed Chinaman Caught by Police.

Armed with a hatchet and a butcher knife and supplied with a score of keys of as many different kinds, two Chinese were arrested last night near Walker's Rice Mill back of Kawaiahae church, by Officers Mokeha and Espinda and taken to the police station, where a charge of vagrancy was placed against them temporarily. The two prisoners are believed by the police to be the king-pins of a quintette of clever Chinese crooks who have been operating extensively during the past few weeks.

The hatchet was found on the person of Chu Sul, having been thrust into his trousers at the waist and held in position by a leather strap. The knife was thrown away while the pair were endeavoring to escape. The greater number of keys were also found in the pockets of Chu Sul, who is believed to be the head of the gang.

Mokeha and Espinda were given a tip a day or two ago that the gang had its eye on the rice mill and that they would break into it shortly after midnight this morning. The information was given them by a Chinaman who had been tempted by the others to join with them in the burglary. He was with the prisoners who visited the rice mill yesterday, when Chu Sul and Ah Kwal went to see Mr. Walker ostensibly to learn the price of rice and to make a fictitious deal. While one engaged the proprietor in conversation, the other stood with his back to the door with his hands behind him. In his hands he held a bunch of keys and some were cleverly inserted into the key-hole to see if they would fit. It is alleged that this method was successful, and the interior of the place was at the same time closely observed. It is said that one key was found to fit the lock perfectly.

The confederate on whom the two principals relied, however, gave him information to the police, and Mokeha and Espinda concealed themselves in the neighborhood of the mill last evening. Shortly after 9 the two Chinamen appeared before the mill and were about to enter the premises when they suddenly turned and started away. The officers arose and went toward them. The Chinese are alleged to have taken to their heels, but the race did not last long. One Chinaman was seen to throw something away, which looked suspiciously like a knife. When they were caught Chu Sul was making an effort to rid himself of his hatchet but did not succeed. Some keys, thrown away by the fugitives, were picked up from the street by the officers.

Both prisoners are said to live in a two-story house on Vineyard street, with three others. The room is said to contain much of the spoils of several raids and includes silk dresses, and dress goods. The place will be searched at once.

The charge of vagrancy was later changed to investigation by order of Deputy Sheriff Chillingworth.

The informant told the police that he believed that nearly a ton of rice had been stolen from the Walker mill in small quantities. The rising price of rice at present has possibly been the incentive to a wholesale robbery of the mill.

WAR WAGING ON WATERFRONT

War is being waged between the master of the American ship St. James, Captain Mulcoy, and the Sailors' Union, or at least a representative of that organization who recently came to Honolulu from San Francisco.

The St. James finished loading ballast yesterday and as soon as a crew is shipped, she will proceed to Puget Sound, there to await orders.

It is understood that the Sailors' Union and other waterfront seamen's organizations are endeavoring to tie the vessel up here. There recently arrived in port a new agent for the Sailors' Union, whose chief object recently seems to have been to injure shipping considerably, and at the same time, not to benefit the organization which he represents.

It is understood that on Thursday night Captain Mulcoy had to apply to the police department for men to keep surveillance over his vessel.

Matters hinge upon the fact that many ship owners on the Pacific coast have entered into an agreement with the Sailors' Union, and crews are obtained without difficulty. This is not the case with the St. James, and the local Union, or its representative, in ignorance or otherwise of this fact, seems to be working in direct opposition to the ship's master.

ONE OF THE TRIUMPHS OF MODERN SURGERY.—By applying an antiseptic dressing to wounds, bruises, burns and like injuries before inflammation sets in, they may be healed without maturation and in one-third the time required by the old treatment. This is one of the greatest discoveries and triumphs of modern surgery. Chamberlain's Pain Balm acts on this same principle. It is an antiseptic and when applied to such injuries causes them to heal very quickly. It also allays the pain and soreness. Keep a bottle of Pain Balm in your home and it will save you time and money, not to mention the inconvenience and suffering such injuries entail. For sale by all Dealers and Druggists. Bannan, Smith & Co., Ltd., Agents for Hawaii.

SUGAR STOCKS TAKE A BRACE

Strengthening of many sugar plantation stocks was apparent yesterday at the Stock Exchange session, the result of the favorable reports made at the annual meetings of various plantations which have been held this week. The tone of the whole stock market is brighter and stronger and the prospects, as given in the managers' reports, have restored confidence in the sugar output.

Ewa stock which was bid for last week Friday at 17 1/2, went to 20 yesterday. Waiakua also took a jump to 27 1/2 bid, 40 asked; last week's quotations being 15 bid. Some shares were sold at 38.

With McBryde, the stock has gone to 24 bid, against 2 bid last week. Onomea has gone up a half point bid, having been 23 1/2 last week. Olaa went from 6 1/2 to 7 bid.

All the reports presented this week on the year's sugar prospects were of a kind to cheer up the financial atmosphere, and the sunshine of prosperity is glimmering through the clouds.

Prosperity Barometer

"Sugar is the barometer of the prosperity of Hawaii and when sugar is up business here is good," said Mr. Joseph Marden yesterday at the Pacific Club. Mr. Marden is one of the old kamaeas. He came here in 1889 and was one of the annexation commissioners to Washington. Six years ago he left the Islands for good, although he still retains large interests here, and made a visit to Honolulu four years ago. After a visit of about a month Mr. Marden will return on the Siberia March 5th to his home in San Francisco.

"There have been some changes since I was last here," continued Mr. Marden. "There are many new buildings and also many vacant stores. Honolulu has been overbuilt. You tried to go ahead in too big a hurry. I sugar goes up Honolulu will catch up again, business will be good and your vacant store rooms will be filled."

"The sugar industry is the mainstay of the Islands. Without sugar no ships would come and go from this port. There would be no business. Sisal is picking up some. I brought the first sisal here myself some years ago. Coffee prices are down and labor is difficult to obtain for the coffee plantations and while pineapples are doing very well they will never take the place of the sugar industry. Sugar is a staple article and always in demand."

"I believe that we can look for an increase in sugar prices by the close of this year or the early part of next. It may not be large, but every little counts. There are always bright prospects for sugar, provided Hawaii has no difficulty with her labor. Sugar can only be a success with cheap labor and the white man cannot work in the fields. Even if he could, he could not earn enough to pay his board. Only with cheap labor can the industry be made profitable, and even now the planters are compelled to pay more than they should. That is one trouble with coffee. In Brazil it is raised with cheap labor and can be put on the market at a profit, at the prices now prevailing. There is considerable difference between five and ten cents a day, and eighteen dollars per month as the planters here are required to pay their labor. In Mexico the peons work for twelve and a half cents a day. In Japan and China laborers work in the tea plantations for four and five cents a day. Tea can be raised in many parts of the United States, but it wouldn't pay with the wages which must be paid to labor."

"There is no reason why the mechanics should be antagonistic to the plantation interests in Hawaii. When sugar is high and times are good there is always work for the mechanic and business for the merchants. And when sugar is low money is scarce and the people are not spending any. They have their sugar stocks but as long as no dividends are being paid they can't spend it."

"I believe that there will be better sugar prices before the end of the year. Everything points that way. Look at wheat. It is now quoted at \$1.09 per bushel, which is bound to have its effect on sugar. With wheat at that figure the beet sugar growers in Europe are going to plant a less area in beets this season and put in more wheat. With a smaller production prices are bound to go up. Hawaii is a sugar country. The soil here is especially adapted for growing cane and it will never pay to try anything else while the conditions are so favorable for sugar. And sugar will pay better than anything else as long as labor conditions are right."

The Army Site Chosen.

It is practically settled that the N. G. H. army for Honolulu will be erected in the southeastern corner of the Capitol grounds at Hotel and Like-like streets. The site is now occupied by rude workshops and storehouses. It once contained an experimental vegetable garden, the public comments on which made the ears of Wray Taylor, then Commissioner of Agriculture, tingle.

Although the Capitol grounds constitute one of the principal parks of Honolulu, the proposed site for the army has never been frequented by the public. According to the design the army will be a presentable edifice and, especially in contrast with the buildings now upon the site, ought to make an attraction for passengers in the Hotel Street electric cars.

Governor Carter stated yesterday that the Capitol grounds site was the only one presently available and it was desirable that the erection of the army, as provided for in the loan appropriations, should be immediately undertaken. In announcing the selection of the site before building operations were begun, the Governor stated that he wished to avoid any cause of complaint that the public was taken by surprise.

HAWAII INTERESTED IN BILL BEFORE CONGRESS

Proposed to Prohibit Employment of Chinese on American Vessels—Chamber of Commerce Petitions at Washington.

(Mail Special to the Advertiser.)

WASHINGTON, D. C., Feb. 15.—Delegate Kalaniana'ole has presented to the House the resolution of the Honolulu Chamber of Commerce, favoring the bill of Senator Lodge to reorganize the consular service of the United States. It was referred to the committee on Foreign Affairs, of which Representative Hitt, of Illinois, is chairman. The bill has been recently considered in the Senate Committee on Foreign Relations, where a disposition was shown to amend the measure extensively, although no final action was taken.

The Delegate has also presented a resolution of the Honolulu Chamber of Commerce favoring federal aid to the Lewis and Clark exposition to be held at Portland, Oregon, next year. It was referred to the Select Committee on Industrial Arts and Expositions, of which Representative Tawney, of Minnesota, is chairman. Senator Mitchell has already had the bill passed at that end of the Capitol and an earnest campaign in behalf of an appropriation of \$2,000,000 is being made in the House.

The Board of Appraisers in New York have affirmed the decision of the collector of customs at Honolulu as to the duty on millet seed cake, imported into Honolulu by U. Kobayashi. The appraisers hold that small cakes made from millet seed, sesame seed, and sugar, inclosed in a wrapper printed in Japanese characters, and used as a confectionery or sweetmeat, is dutiable as confectionery, rather than as non-enumerated manufactured articles. The importers failed to appear at the hearing in person or by attorney and offered no evidence whatever in support of their claims.

DECREASE IN GERMAN SUGAR EXPORTS.

United States Consul John E. Kehl, at Stettin, Germany, has forwarded the following statement about the decrease in export of raw sugar from Germany:

"Official figures covering the German sugar campaign of 1902-3 indicate the beginning of a reverse of former conditions—i. e., the home consumption will exceed the quantity exported. Figures for the sugar season 1903-4—that is, since the Brussels sugar convention went into effect—will not be available for several months; but if the export of raw sugar from this consular district can be taken as an indication of the export in general, the sugar remaining in the country will, for the first time in ten years, exceed the amount exported. In this respect, one of the objects of the convention—to promote the development of the consumption of sugar—is properly developing itself, as far as Germany is concerned. Statistics show that the total amount of raw sugar exported from Germany during the eleven years 1891-1901 amounted to 10,538,136 tons, while the home consumption amounted to 7,744,201 tons, or 40.4 per cent of the total produced, against 59.6 per cent, the amount exported. In 1903-04 the home consumption amounted to 574,506 tons, while in 1902-3 it amounted to 811,953 tons.

"Within the last year the local retail price of lump and granulated sugar dropped from 32 pfennigs to 24 pfennigs per pound, or nearly 1/3-4 cents. When the new sugar—the sugar which was manufactured during the last quarter of 1903—comes on the market a further decrease in price and more than a corresponding increase in home consumption can be expected. The export of raw sugar from Stettin to the United States during the calendar year 1903 amounted to \$3,833.20, against \$763,022.49 in 1902, \$1,243,321.22 in 1901, and \$2,204,588.88 in 1900."

Representative Livernash, of San Francisco, has introduced a bill "to prohibit the employment aboard vessels holding American register of Chinese persons not entitled to admission to the United States" under penalty of a fine not exceeding \$2,000.00. The penalty is not to accrue in the case of a vessel which suffers loss of a portion of her crew by reason of distress or stress of weather in any foreign jurisdiction. No action on the bill is likely at this session of Congress.

The following is the bill in full: Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this Act it shall be unlawful for any vessel holding an American register to have or to employ in its crew any Chinese person not entitled to admission to the United States, or into the portion of the territory of the United States to which such vessel flies; and any violation of this provision shall be punishable by a fine not exceeding two thousand dollars. But said penalty shall not accrue in the case of any such vessel which shall suffer the loss of a portion of her crew by reason of distress or stress of weather in any foreign jurisdiction or port and shall be compelled thereby to employ Chinese seamen to complete her complement of officers and men: Provided, That to re-

lieve from said penalty in such case it shall be shown to the satisfaction of the appropriate officer of the United States that in such foreign jurisdiction or port no seamen other than Chinese were obtainable, and that every such Chinese seaman was discharged from the service of such vessel immediately upon the arrival thereof at the first port where seamen other than Chinese could be obtained, and that if so discharged at any port under the jurisdiction of the United States no such Chinese seaman was permitted to depart from such vessel, but that each such Chinese seaman was forthwith transported as a passenger on such vessel, and at the expense thereof, to a foreign port, and that no such Chinese seaman did reenter the service of such vessel after such discharge.

Sec. 2. That any vessel holding an American register and directly and regularly competing for freight and passenger or freight or passenger traffic with any vessel or vessels holding foreign register and regularly employing Chinese seamen as a majority or more than a majority of crew, shall, for each voyage from and to a port of the United States, be paid out of any moneys in the Treasury of the United States not otherwise appropriated, a sum equal to the difference between the wages actually paid to her seamen and the ruling wages which would have been paid for corresponding service by Chinese seamen, said sum to be computed by the appropriate officer of the United States.

Sec. 3. That "the appropriate officer of the United States" within the meaning of this Act, is that officer who is appointed for the designated service by the Secretary of Commerce and Labor of the United States.

Sec. 4. That when the officer designated by the said Secretary of Commerce and Labor to make the computation mentioned in section three shall have made such computation the award shall be final and not subject to review by the judicial branch of the government of the United States: Provided, That an appeal from said award may be made on behalf of the vessel concerned, or by any officer of the Department of Commerce and Labor on behalf of the United States, to the said Secretary of Commerce and Labor, within ninety days after the said award.

Sec. 5. That the said Secretary of Commerce and Labor shall fix the time and manner of payments hereunder, prescribe the vouchers, with forms of account and verifications upon which such payments shall be computed and made, and shall prescribe whatever regulations may be necessary to carry into effect the provisions of this Act.

Sec. 6. That this Act shall take effect sixty days after its passage.

The Washington Post in a recent issue has the following about the Chinese exclusion act:

"The short session of Congress may see another Chinese exclusion law contest. At present the government is operating under the Plait law of 1902. This act was passed after one of the most interesting contests that has been witnessed in Congress for some time, and after the House had passed and the Senate Committee had reported a very drastic measure. Then the Connecticut Senator came forward with a substitute, not very long, but continuing in force the old laws with a few necessary changes, and it was accepted by both Houses. But this law is to continue only so long as existing treaties are in force, and the present exclusion treaty with China will terminate December 8, 1904, if either the United States or China should give notice of termination any time before six months previous to that date. It does not appear yet whether such notice will be given, but if not the treaty will remain in force another ten years from December 8 next. The exclusion law which is designed to carry out the treaty will then continue until superseded. At the time it was passed there was an intention on the part of the most intense anti-Chinese members of Congress to have a new law and a new treaty at the termination of the present treaty with China. Some suggestion has been made that notice should be given within the prescribed limit, and a new treaty negotiated. China wants some concessions in favor of students and merchants, and some Americans interested in China think the privileges of Americans in China as to travel and trade should be enlarged. The matter has been discussed in an unofficial way by American officials with Chinese officials in China, but not with a view to taking up the matter immediately. While dissatisfaction prevails on both sides, there is some inclination to allow the present treaty and law to continue rather than go through the throes of further Chinese exclusion legislation."

Sugar Fleet at San Francisco.

Receipts of sugar from the Hawaiian Islands yesterday amounted to 51,698 bags. The bark Amy Turner, 15 days from Hilo, brought 10,781 bags; the schooner Aloha, 18 days from Honolulu, had a cargo of 12,535 bags; the bark Edward May, 2 1/2 days from Makahouli, brought 12,900 bags, and the steamer Alameda had 16,225 bags in her cargo.—Chronicle, Feb. 15.

"Have you ever been in South Dakota?" he asked. "No, sir," she immediately replied; "my husband was killed by being mistaken for a deer in Michigan."—Chicago Record-Herald.

JOE FINN NOT GUILTY

Decision by Judge De Bolt—Supreme Court Hearings, etc.

Joseph Finn is acquitted of shooting Hugh Rooney with intent to commit murder. The jury returned a verdict of "not guilty" at 9:30 last night, having retired to consider their verdict at 5 o'clock. They had been called in at 6 o'clock and sent in charge of the bailiff to the Union Grill for dinner, with instructions to return to their deliberations in the courthouse at 7:30.

J. J. Dunne began his closing speech for the defense when the court opened at 2 p. m. after the noon recess. He made a strong attack upon the credibility of certain witnesses for the prosecution, roasting in particular Macaulay, the Porto Rican interpreter, whom he designated "a negro spy." W. B. Fleming closed for the Territory, ably summing up the evidence against Finn. Judge Robinson then delivered the charge of the court and passed upon requested instructions.

The courtroom was crowded all day with friends of the accused and of the complaining witness. Following is the panel that acquitted Finn: John J. Egan, E. R. Bivens, E. Wm. Spencer, W. L. Fletcher, John C. Lane, Samuel Nowlin, Wm. Dunbar, John Coffee, Clarence H. Cooke, Alex. C. Dowsett, James A. Lawelawe, James W. Bergstrom.

QUESTION OF COMMISSION. A decision of the "hard-but-honest" kind was rendered by Judge De Bolt yesterday in the matter of the estate of August Kraft, late of Honolulu, deceased.

August Kraft by his last will devised all his property, real, personal or otherwise, to be equally divided among his children, with the proviso "that the property in Lunalilo street in said Honolulu be sold." The executors named in the will declined to act and W. L. Howard was appointed administrator with the will annexed. The heirs elected "to take the real property" and "all jewelry in the hands of the administrator in lieu of the proceeds of a sale thereof." The real property was appraised at the value of \$14,000 and the jewelry \$154.75.

The administrator presented his accounts for allowance, in which he charged for five per cent (\$700.70) for commission on \$14,154.75, the appraised value of the property just mentioned. Counsel for the heirs objected to the allowance of this commission, contending that under the rule as laid down by the Supreme Court in the Molteno and Long cases, commissions can only be allowed on money received and paid out.

Counsel for the administrator contended, particularly as to the land, that the testator having directed that it be sold a commission thereby resulted, and that it must be considered as money.

Judge De Bolt decides against the administrator in the following words: "I am of the opinion, however, that the objection of counsel for the heirs is well taken. It seems quite clear that the title to the land passed by the will direct to the devisees; and assuming, without deciding, that the administrator succeeded to all the powers relative to the sale of the property in question, which the executors would have had, still it was a mere power of sale and was revoked by the election of the heirs to take the property in lieu of money. However much we may feel that the facts involved work a hardship upon the administrator, it is equally obvious that the court has no power to enlarge the statute to meet the seeming equity of his claim. The commission claimed by the administrator, therefore, cannot be allowed."

The court then allows the counsel for the administrator \$50 in full for all his services, being additional to a fee of \$500 previously allowed on account. A fee of \$50 is allowed P. D. Kellett, Jr., master, besides 75 expenses incurred by him.

SUPREME COURT.

Since last report the Supreme Court has heard cases as follows: Territory of Hawaii vs. E. S. Cunha, appeal from District Court of Honolulu, argued and submitted.

S. Ahm vs. Annie Waller et al., error to First Circuit Court, argued and submitted.

Irene B. Cornwell vs. J. F. Colburn, appeal from District Court of Honolulu, submitted on briefs.

H. Hackfeld & Co., Ltd., vs. Hilo Railroad Co., exceptions of defendant from Fourth Circuit Court. Exceptions withdrawn and case remanded to the court below.

J. F. Colburn vs. Hawaii Land Co., appeal from District Court of Honolulu, discontinued.

Lucy K. Peabody vs. S. M. Damon et al. (Estate of), error to First Circuit Court. Motion to dismiss submitted on briefs.

COURT NOTES.

It is stipulated in the case of Henry Smith, trustee, vs. John D. Holt, Jr., et al., that the defendant Waiakua Agricultural Company have until and including March 8 in which to answer, demur or otherwise plead.

HOLT TO BE ASSESSOR

Decision by Judge De Bolt—Supreme Court Hearings, etc.

Jas. L. Holt will be tax assessor to succeed Jas. W. Pratt in the Oahu office. He was endorsed for the position yesterday by the Republican Executive Committee and with the understanding that he was the man whom Treasurer Kepikal wanted.

There were two other candidates for the position before the committee, George Smithies, the present deputy insurance commissioner, and A. V. Gear. Both of the latter had the endorsement of their district committees but were turned down by the executive committee. The choice of Holt was practically unanimous and his name will be sent to Treasurer Kepikal today. Holt is now deputy assessor and has been in practical charge of the office since Pratt became Land Commissioner. He is a competent man and has had long experience in the tax office so that he is well qualified for the position. The name is also said to have the endorsement of the Governor, and Kepikal will probably make the appointment today.

Less Cost More Work.

With an increased working capacity the Honolulu road department has had its expenses all told reduced by almost one half.

Governor Carter was very much gratified at receiving a statement of account revealing the great economy just stated from C. B. Honoway, Superintendent of Public Works, yesterday.

Road Supervisor Sam Johnson has not only the full number of men previously employed at work, but has had to buy two additional wagons as tenders to work on the city streets. The cost of maintaining the road and bridge service for January, including salaries and payroll, was but \$29,700 as compared with a round \$60,000 a month at the end of last year. Running expenses of the department now average about \$300 a day against about \$650 formerly.

Feed for the animals has been brought down to a cost of \$4 a head for the month. No outside teams are being hired now, whereas heretofore numbers of such were employed at a charge of \$4 a day for each team. Both of the stone quarries are being operated to their full capacity.

There is no new work being done at present, the entire resources of the department being applied to repairing the damages caused by the recent storm.

Waterhouse Memorial.

The 4:30 service at the Y. M. C. A. tomorrow will be somewhat out of the ordinary. The subject will be "Lessons from the lives of our friends," with special reference to the late Henry Waterhouse, who for more than thirty years was actively identified with the Association, at one time holding the office of president. W. W. Hall, a friend and neighbor since boyhood days, will take the lead in this service and opportunity will be given as many others as time will allow to tell how his life has helped their lives. The meeting is open to all. Music will be furnished by Kawaiahae church singers.

American Nurses for Manila.

According to reports from the mainland a party of American war nurses, who have seen service in the Philippines, will sail from San Francisco for Japan the early part of March. It is said that the Japanese Minister at Washington has received a favorable answer accepting the offer of Dr. Anita Newcomb McGee of Washington, D. C., to take to Japan a party of trained nurses. This party, it is said, will proceed to Osaka, a port on the Inland Sea, which is the base to which disabled troops will be sent from the front.

Up Tantalus Afoot.

Several tourists and others who do not work this afternoon are desirous of climbing Tantalus. Weather permitting, Secretary Brown will lead a party up and back between lunch and dinner time. Men and boys wishing to attempt it will be at the Y. M. C. A. promptly at 1:30.

Buford May Call.

The United States Army transport Buford, which is to carry 600 marines to the Philippines, has been delayed at San Francisco. The vessel is to load Oregon pine at Portland or Seattle. She may call at Honolulu en route to Manila.

Bumboldt Far Stay.

Office U. S. Lighthouse Inspector, 12th District.

San Francisco, Cal., Feb. 17, 1904. Notice to Mariners. Bumboldt Bar, California. (List of Buoys and Beacons, Pacific Coast, 1903, p. 32.)

Notice is hereby given that a copy of South Jetty Buoy, No. 2, has been lost about 200 N. N. W. of the point of rocks of the south jetty of the Port of San Francisco. The buoy is a white buoy with a red top. It will be replaced as soon as practicable. By order of the U. S. Lighthouse Inspector. J. R. MILLER.

E. P. DOLE WRITES FROM WASHINGTON

Washington, D. C., Feb. 13th, 1904.

Editor Advertiser: It is almost two months since I left Honolulu. It is likely to be another two months before my return, and this morning "the spirit moves me," as the Quakers say, relying upon the courtesy of your paper, to chat a bit with my island friends. Not that I have anything of particular importance to communicate, but you know what Mark Twain said—"There is no other land like that"—and I don't see how one can live there for years without having an abiding aloha for the land and a goodly portion of its people, and without longing—even in this beautiful city of Washington—to clasp this one and that one by the hand and say, "Howdy?"

As I write these lines Senator Hanna is passing away. In some respects I think his career has had few parallels in American politics. He was a plain business man, a man of large affairs but unknown in the political world until he had past the meridian of life. Then his personal love for William McKinley led him to devote his tremendous organizing and executive powers to the McKinley campaign, and he became famous as chairman of the Republican National Committee. A rich man and a large employer of labor, he won the confidence of both labor and capital to a greater degree than any other public man in the United States; not as strong with the masses of the people as President Roosevelt, but stronger with these two mighty factors and also with the politicians. In his old age, and without previous training or experience, he developed the qualities of an attractive and convincing public speaker, and, which is higher and rarer, the gift of stating propositions with the clearness of self-evident truths. It seems to be the common opinion here that, if his health had been spared and he had wished it, the next Republican nomination and election for the presidency was within his reach, and, certainly, he was the only man in the United States who would have had a ghost of a chance against Mr. Roosevelt. As a lawyer I can't undervalue the services of great lawyers in public life, but good government is not a mere matter of legal knowledge, political tact and brilliant oratory—it is much more a business proposition, a practical, business-like administration of a public trust for the public benefit, and I think it would be improved by a larger number of honest, broad-minded, level-headed business men in public life.

The business which brought me here has taken me to Baltimore frequently. I was there last Wednesday, two days after the fire. The burned district—140 acres in the heart of the city—was guarded by United States soldiers, and within those lines was a great tract of desolation, where property equal to the entire taxable valuation of the Territory of Hawaii had been burned up in thirty hours. But Baltimore, with its southern trade and its great industries and its 600,000 inhabitants, is immensely rich and has a future even brighter than its past. The fire is not a knock-out blow.

As the business which brought me here is in no way connected with politics or with public affairs, I have not met public men as much as I otherwise naturally would; but, in so far as I have heard, Hawaiian affairs talked about, there is a common expression of regret that we have permitted factional differences among ourselves to be carried so far. This opinion, whether we deserve it or not, seems to prevail both in the executive and in the legislative branch of the government, and I think it hurts the good name and the material interests of the Territory more than most of its citizens realize.

I have been interested in watching the Panama debate in the Senate, and especially in Senator Tillman of South Carolina. In some respects he is a larger and stronger and more self-controlled George A. Davis. At any rate, he is a characterful general.

Most of the time the weather has been delightful here. The grip of Jack Frost is a welcome change from mild, eternal June.

I must close.

With aloha hui to all my friends,

E. P. DOLE.

CAPT. RODMAN RECEIVES ORDERS

Lieut. Commander Rodman, captain of the U. S. S. Iroquois, received orders in yesterday's mail from Washington, instructing him to report to the Commander-in-Chief of the Asiatic Station for duty. His orders read:

"Upon the reporting of your relief, Lieut. Commander A. P. Niblack, U. S. N., you will regard yourself detached from duty at the Naval Station, Honolulu, and from such other duty as may have been assigned to you, proceed by the next steamer leaving Honolulu for Manila, and upon arrival report to the Commander-in-Chief of the U. S. Asiatic fleet for such duty as he may assign you on the station under his command."

Captain Rodman will leave Honolulu on March 4 in the S. S. China. Mrs. Rodman arrived yesterday on the Alameda after a long absence from Honolulu, and will remain here until the captain proceeds to the Philippines, whereupon she will return to the States. Mrs. Rodman is much improved in health.

NOT A MINUTE should be lost when a child shows symptoms of croup. Chamberlain's Cough Remedy given as soon as the child becomes hoarse, or even after the croupy cough appears, will prevent the attack. It never fails, and is pleasant and safe to take. For sale by all Dealers and Druggists. Parson, Smith & Co., Ltd., Agents for Hawaii.

MOSQUITO CAMPAIGN

Executive Committee Hears Report on Finances.

A meeting of the executive committee of the Citizens' Mosquito Committee, consisting of Dr. C. B. Cooper, chairman; Dr. Pratt, R. M. Pond and D. L. Van Dine, was held yesterday afternoon at 1:30. The report of the agent, A. D. Larnach, was read, as was also the report of the Finance Committee. The latter is as follows:

Honolulu, Feb. 14, 1904.

Hon. C. B. Cooper, M. D., Chairman General Committee.

Dear Sir: The finance committee has realized from the first the responsibility resting upon it. A careful and complete record with vouchers has been kept of all financial transactions. Mr. Chas. H. Atherton has carefully audited the accounts to Jan. 1st, 1904, and certified to their correctness.

Rigid economy has been practiced in every branch of the work. The various government departments have cheerfully cooperated. We have had wagons from the Road department, assistance in the culling of catchbasins from the Public Works department and prison labor from the jail. The entire force of Board of Health inspectors under Dr. Pratt is daily rendering invaluable assistance. The U. S. Agricultural Experiment Station has very greatly aided us. The public press has been very liberal in its support of the movement. Thus it has been possible for us, week by week, to get a firmer grasp on the situation and still keep within the limit of our means of cash expenditure.

The committee's agent, Mr. Larnach, has shown ability and unusual judgment in dealing economically with difficult questions of drainage and relief.

The situation of the committee on Jan. 1st, 1904, was substantially as follows, as a result of some three months' work:

RECEIPTS.	
Lump contributions	\$158.00
Monthly pledges	597.00
Total	\$755.00

DISBURSEMENTS.	
Organization expense	
Printing, postage, etc.	\$ 63.75
Salaries and labor	887.00
Oil, supplies, etc.	53.35
Sundry bills	23.15
Total	\$1027.25

Cash on hand Jan. 1, 1904 \$267.75

Now that the work has been carefully mapped out it is increasingly difficult to keep our monthly expenditures below \$200, the approximate amount of our monthly receipts. There are a number of very urgent calls. But the committee has thus far been very cautious in undertaking any considerable outlay.

The departure of Mr. P. B. Hehn has deprived the committee of a very useful and able member.

In conclusion let me say that it is the conviction of the committee that an energetic prosecution of the work now in progress will by midsummer show results highly satisfactory to the public at large and will fully justify the labor and expenditure put forth.

P. M. POND,

Chairman Finance Committee.

The work of the committee up to the recent storm was reported as having been generally successful, but the long breeding of rain has made insuperable breeding places in the level districts of the city and vicinity. It has been impossible for the agent to locate all these spots, but those found have been killed. Some places have been filled up; others drained, and the remainder will be treated as rapidly as possible.

Thousands of adult mosquitoes have already issued, and though the breeding places were at once removed, these adults would remain in existence for several weeks.

The committee reached the conclusion that it could eliminate all the serious breeding places in six months. The remainder are the ones found ordinarily in dooryards, and the prevention of mosquitoes breeding in these depends upon the householders themselves. The committee does not assert that in six months the mosquitoes will be exterminated, but contend that efforts for controlling the mosquitoes must be continuous.

The greater part of the work of the committee so far accomplished, was shown at the meeting to have been done only through the hearty co-operation of the Board of Health. All breeding places discovered by the agent have been inspected regularly once a week by the Board of Health inspectors.

To effect a more general use of oil, a spraying machine has been purchased and this spreads the oil evenly over large water areas. On the Alameda yesterday the committee received ten gallons of a special preparation especially recommended for mosquito extermination. This will be given a thorough trial, and if all that is claimed for it is true, it will be substituted for oil.

A tourist from St. Louis, who saw the mosquito exterminators at work a day or two ago, took a photograph to exhibit in the East. He was surprised to find how much interest was taken in the work and said it compared favorably with similar operations he had witnessed in the States.

Visitor: "What a racket the steam makes clanking through the pipes!"

Flat Dweller (shruggingly): "Yes. It reminds me of one of Shakespeare's plays." Visitor: "Which?" The Tempest. Flat Dweller: "No. Much Ado About Nothing."—Town and Country.

NEGLIGENCE COMES HIGH

Damages to Donovan of \$800—Federal Court Proceedings.

By a decision of Judge Dole rendered in the United States District Court yesterday, the American schooner Willis A. Holden, which was held up at Kahului under attachment in the case, is condemned to pay damages of eight hundred dollars with costs to John M. Donovan, second mate of the vessel, for neglect to care for him properly when injured in the performance of his duty. J. J. Dunne was proctor for libellant, Robertson & Wilder defending the libellee.

On a voyage of the schooner from Newcastle, N. S. W., to the Hawaiian Islands, Donovan was injured while assisting a seaman in taking in the slack of the dunnage while the vessel was being lowered. Owing to the rolling of the vessel the rope, at the rate it was paying down, could not be kept taut. Donovan's foot got entangled in the slack and the rope tightening from the swing of the dunnage drew the man into the air for ten feet or more, lacerating one foot to the bone and dropping him on the deck so as to cause minor injuries in different parts of the body. From that time until the schooner reached the Island of Maui, about October 13, libellant was disabled and helpless, lying in his bunk and suffering great pain.

The court quotes a number of authorities on the question of the owner's responsibility where negligence of an injured person's fellow-servants is shown. Having found that in this case the sailors letting down the dunnage did so more rapidly than two men taking in the slack could safely handle it, the court decides this phase of the case thus:

"The occupation of navigating ships is not regarded as one of great and unusual danger, and in this case there is no evidence that the appliances furnished by the owners for the management of the vessel were not in a reasonably safe condition for the work."

"I find that the vessel and the owners are not liable in damages for the injuries received by libellant in the accident referred to, which injuries were due to the negligence of his fellow-servants and partially, perhaps, to the dangers of the sea."

The second branch of the case consisted of a claim for damages on account of the failure of the schooner, her master and owner to supply libellant with proper surgical treatment at the end of the voyage. On this the court finds the following law:

"A seaman injured in the service of his vessel, even though the injury be the result of ordinary negligence on his part, is entitled to be taken care of at the expense of the vessel until the end of the voyage and longer if necessary to effect a cure; so far as the same can be done by the use of the ordinary medical means."

The Willis A. Holden arrived at Kahului about October 4th or 5th, for custom house entry, and immediately went to Kaanapali, her port of destination, arriving there October 6th. There was no complaint by libellant as to the care and attention he received on the voyage, the captain affording him such medical treatment as his knowledge and the resources of the ship permitted. A physician believed by Donovan to be a quarantine officer gave him advice with some treatment, off and on, until and including October 8th, other than which he received no further medical attention aboard the schooner. The captain claimed he had the Government physician at Kaanapali—who, as he said, came aboard to examine the crew—look at Donovan's foot and that this doctor treated the foot on the 7th, 8th and 10th of October, besides sending medicine to the ship by the captain on the 13th. Judge Dole suspects that the captain confused the names Kahului and Kaanapali.

Donovan was discharged on the 13th and he testified he was not sent to any hospital, but that the captain put him off from time to time when he had asked for a permit to go to a hospital. The captain to a certain extent contradicted him on this point. Donovan left the ship immediately upon his discharge, going ashore at Kaanapali and thence in a carriage to Lahaina. There he consulted Dr. Molony and paid him six dollars for dressing his foot. He reached the Queen's Hospital in Honolulu on October 17 and remained there until November 24.

Dr. Walters gave expert testimony on an X-ray examination of Donovan's foot. Dr. Mays also testified of the injury, both doctors agreeing that the injury was permanent. The evidence does not show to the court whether the delay between the arrival of the vessel and Donovan's entrance to the hospital "may have prejudiced his chances of recovery, but it was the duty of the ship to have obtained for him, without unnecessary delay, surgical attention and a chance to have such treatment as might be necessary to a possible cure. I find that this duty was neglected by the master."

MORE SENTENCES.

Judge Dole sentenced two more of the Ten Dollar Club members for conspiracy. Mori was given a sentence of four months, and Abe six months imprisonment. Abe was a student of Oahu College and had studied law, facts that the court deemed to enhance his guiltiness.

NEW CITIZENS.

The following named were admitted to United States citizenship by Judge Dole:

Antonio de Sousa, Jose Silva, Manuel Ferreira and Jose Muniz, Portugal; Emilio Pankratz, Germany; and August W. Johanson, Finland.

COMMERCIAL NEWS

The attitude of Congress on the franchise question is likely to cause a loss to Honolulu of some public utilities which were soon to be given the city. The parties behind the Diamond gas franchise had made all arrangements to install a plant in the city and supply fuel gas to the residents, and the necessary capital had been promised by California men. The difficulty which the Hawaiian Electric Co., franchise is encountering in Congress is likely to put a quietus for the present on the gas proposition, as the promoters are unwilling to accept a franchise for a shorter term than that granted by the legislature. The Hawaiian Electric is operating now without any legal right to do so, as their old franchise has expired. The local company has already made a reduction in rates in accordance with the act of the legislature.

Private advices from Washington received on the Alameda indicate that the gas franchise will have the same hard road to travel as did the electric grant. With the former, however, it works greater hardship, as capital is loath to enter an enterprise where the corporate life is likely to be short and subject to the whims of a future legislative body. The question of franchises is becoming a vital one and the action of Congress is being watched with keen interest by the commercial interests of Honolulu. Not only is the gas franchise likely to be tied up in Congress but also the Kauai railroad company which was to have been floated.

PLANTATION OUTLOOK.

Plantation reports have interested Honolulu people more than any other thing during the week. Of the meetings held, the reports have been eminently satisfactory, and the satisfaction is reflected by the upward tendency of the stocks. The Irwin plantations made no public reports but as the stock is held by a very few people it is taken for granted that the year's work has satisfied the stockholders.

Both Waialua and Ewa reports are flattering. Ewa starts the new year with a balance of nearly a million dollars and should get through the season without overdrafts on her agents. Ewa earned enough last year to pay a dividend of nearly fourteen per cent, and she may do this the coming year provided there is no drop in sugar. Ewa is now quoted at \$20 and few shares are offered at that figure. The last sales were at \$18.50 and \$19 is bid, with no offerings. An effort was made yesterday to purchase the stock in San Francisco but there was none obtainable. Ewa would probably be quoted even higher but for the fact of the announced decision of the directors to maintain a reserve fund, and there is no promise of an increase in the dividend rate for some time to come.

Waialua also went from \$35 to \$38 per share on the strength of the published report. Waialua has paid the cost of clearing now and it is expected that she may pay a dividend this year. Prospects for the next crops at both Oahu plantations are good. Kahuku's showing was also of the best. The stock is now offered just at par.

What increases the confidence in the plantations as a whole is the almost unanimous report on the part of managers of reductions in cost of production and the outline of a further plan of economy in the future.

PIONEER MILL.

A meeting of the Pioneer Mill Co. was held yesterday and the following report presented by Manager Barkhausen:

Crop 1903.—This amounted to 123,470 tons of cane or 16,672 tons of sugar. The percentage of sucrose was higher and the mill work better than during the previous year; instead of 8 tons of cane per ton of sugar as in 1902, only 7.477 tons of cane per ton of sugar were required during the last season; the yield per acre was nearly 8 tons against about 5.5 tons in 1902.

Crop 1904.—Cold nights and stormy weather seriously interfered with the growth of the cane during last winter, resulting in a loss which I estimate at approximately 12,000 tons of cane. Following is the area to be taken off:

2000 acres of plant cane.
300 acres of ratoons.
Total 2300 acres.

My estimate for this crop is 125,000 tons of cane or 16,500 tons of sugar, basing the latter calculation on last year's juice and mill work.

Crop 1905.—This will, under normal conditions, yield about 22,000 tons of 96 deg. sugar, to be taken off:

2200 acres of plant cane.
600 acres of ratoons.
Total 2800 acres.

Improvements.—The increased area of cane land taken under cultivation during the last year will account for the expenditures of clearing land, reservoirs, ditches, flumes, etc. Prospecting for water by tunneling in the mountains has been continued and proved to be a profitable investment. The water supply has been increased during the year by about three million gallons, making a total of seven and one-half million gallons of mountain water derived from three different sources:

- Kaunala tunnel furnishing 5 1/2 million gallons.
- Kohala tunnel, furnishing 1 1/2 million gallons.
- Honokahua tunnel, furnishing 1 1/2 million gallons.

The total expenditure for this quantity of water is \$21,485.42, or \$2860 per million gallons. Taking as a base the rent to be paid for the Honokahua water, viz.: \$3000 per one million gallons per year, our own supply developed by tunneling would represent a value of \$338,400. The prospects for a further increase during the coming year are excellent.

Expenditures for permanent improvements during the coming year will include flumes, ditches and reservoirs for about 1000 acres of new land. This will nearly take in the balance of all of the available cane land, bringing the total acreage of the plantation under cultivation, to about 6000 acres.

The Honokahua ditch is almost ready for the water. Scarcity of labor, rain and other unforeseen complications have delayed its completion beyond all expectation.

There has been little activity in the street this last week, although there is demand for Waialua and Ewa. Hawaiian Commercial—200 shares are offered for sale in San Francisco. Reports of the remaining plantations are being awaited with much interest, particularly of those estates about which little has been given out during the year.

MISCELLANEOUS.

At a meeting of the bankers yesterday morning the rate of New York Exchange was reduced from fifty to forty cents. This rate corresponds with the San Francisco rate. Arrangements have been made by the Bank of Hawaii to issue drafts at the same rate as is charged for postal money orders. This will be a convenience to Hawaii in many ways. The wireless has been having difficulty with the government over the payment of the subsidy. An arrangement will probably be perfected by which the company agrees to pay a fine for every day the line is not in working order. H. M. von Holt has sold a portion of the Luaualei lands recently purchased by him from the government for \$32,100 to J. M. Dowsett for \$22,300. The remaining portion of the same land he sold to J. A. McCandless and L. L. McCandless for \$10,000. The deed has been recorded also of the sale of the portion bought by McCandless to A. C. Dowsett and O. St. John Gilbert and Lee St. John Gilbert for \$15,000.

MARINES ARE WELL FIXED

The Marines are just beginning to enjoy life in Honolulu. Comfortable quarters have finally been fixed up for them at the Naval Station and the soldiers of the navy don't care much whether Congress gives them an appropriation for a new building or not. There is expectation of an appropriation of \$5,000 and new quarters may be built on the Waikiki side of the Naval Station some time in the future.

What three weeks ago was a dirty shed with coal dust covered floors and ceilings of cobwebs is today a little city of homes. The new barracks are large and airy and almost handsomely furnished. Uncle Sam treats his soldiers and marines well and although there was but little money with which to do the work it has been made to go a long way.

The marines are more than glad that they are not living in tents, as had been originally intended. Even in the coal shed they had a pretty hard time during the first few days heavy rains, after their arrival, and they would have been flooded out of tents. Their quarters now are as comfortable as those of a first class hotel, even though they are living in a coal shed. The floors which were covered inches deep with coal dust, when they arrived, are now as clean as a parlor floor and the shed is hardly recognizable. The sleeping quarters of the men are in two long rooms partitioned off from the rest of the barracks. Every marine has a white enameled bed of his own and there are fifty of them altogether. To each bed is a mosquito netting and also other necessary conveniences. Uncle Sam is not stingy when it comes to providing for his marines. To the rear of the sleeping quarters is the kitchen. In it is a huge range, for the men do their own cooking and baking. Just outside the kitchen are the dining tables, for the men take their meals with little formality. To the left of the dining room a bath house has been fixed up with showers. Adjoining this a room is being prepared for the tailor and the barber. The company of marines has its own barbers and tailor and the former is already doing a good business at an improvised stand. There is also a canteen at which no liquors are sold. But a full supply of tobacco and other articles used by the marines is kept on hand and the profits of the canteen go to replenish the mess fund. The boys also have a pool table and library and other devices for passing away the time.

The marines are drilled every morning for an hour. Guard mount is at nine o'clock and an hour later the men are taken out for a drill. The marines are armed like the army with Krag-Jorgensen. There is also a guard house for unruly soldiers but it hasn't been used yet. Guards patrol the Naval Station day and night and the property of the United States is being well protected.

MEMORIAL TO WATERHOUSE

Loving Friends Pay Him Tribute.

Friends and admirers of the late Henry Waterhouse paid generous tribute to his memory at the Y. M. C. A. rooms yesterday afternoon. The memorial services were in charge of W. W. Hall, a life-long friend of the deceased, and Mr. Waterhouse was held up as an example for young and old to follow. After a brief song service, R. H. Trent opened the service with prayer.

W. W. Hall paid a glowing tribute to the deceased. He said that Mr. Waterhouse had not been born in the islands, but came here in the early fifties and he had lived side by side with him for fifty years. In the early days there were fewer foreign families and the boys were brought up as brothers, so he came to know Mr. Waterhouse intimately. Mr. Hall spoke of the splendid work done by Mr. Waterhouse, of his Christian bearing, his gentleness and honesty. He spoke also of his love for the Hawaiians, his intimate knowledge of their language and his work among them, paying a high tribute to the character of the deceased.

W. C. Weedon said he esteemed it as one of his highest privileges to be known as a friend of Mr. Waterhouse. He had been met by him thirty-nine years ago upon landing at Honolulu and for three and a half years was domiciled with the Waterhouse family, so that they were brought up almost as brothers. He spoke of the great help and advice Mr. Waterhouse was always ready to give to others and said: "His Christian life and bearing was always uniform; when Henry Waterhouse died a noble man passed away, but he left behind a legacy which must be envied by every young man in the community and which will be a stimulus for all of us and a model to copy and pattern after."

Captain Bray spoke also of the kindly aid Mr. Waterhouse always extended to everyone and told of the ready assistance he had received when he desired to leave the sea and take employment in Honolulu. Robert Law said what impressed him was not so much the man's knowledge of the Hawaiian language as his command of English. He said that so perfect was his language and his enunciation that he might have been a professor in English. His culture, refinement, and the gentle, loving manner also impressed him.

Rev. G. L. Pearson spoke of how Mr. Waterhouse had entered into the burdens of the church and helped to clear his path of difficulties. He illustrated the scriptures saying: "Bear one another's burdens." The secret of his happy life, Mr. Pearson said, was found in the fact that Christ was in him; he was a thorough Christian. Secretary H. C. Brown said that Mr. Waterhouse had impressed him as the kind of a man an English nobleman should be; he was helpful and sincere and cheerful always. He was always hospitable and often invited young men—perfect strangers who had no place to spend Christmas or Thanksgiving—to his own home.

Rev. David A. I. said Mr. Waterhouse was a real Christian, he had taught at Kawaihau Sunday school and his advice was always eagerly sought and followed. C. J. Day said Mr. Waterhouse had been always the same; quiet, unassuming and unobtrusive. No one ever felt afraid in his presence.

R. H. Trent said he had known him in a business way and told of how Mr. Waterhouse had quietly gone about to help others. He said that Mr. Waterhouse did not believe in memorial services but while he was alive often sent letters of praise and encouragement to those who might be discouraged. Theo. Richards, John Martin and others also paid a tribute to the deceased.

KATSUNUMA'S WAR CHANCES

Dr. Katsunuma, the veterinary and interpreter, is, it is reported, going to take the next steamer for Japan. Whether he goes there for the patriotic purpose of joining the Japanese military or on private business, is not known. As he is a naturalized American, it is very doubtful if the Japanese government would accept his services in the event of his offering them for the war. It is, however, certain that he would be assigned to a corps of cavalry as a Veterinary Surgeon-Major, should he be accepted, and would prove himself extremely useful in this capacity.—Hawaii Shipto.

LABORERS GIVE TO WAR FUND

The Japanese War Fund Committee has received the first contribution from plantation laborers. It is from 157 laborers, men and women, in the Niihau plantation of Kohala, Hawaii. The total amount received is \$525.75, making an average of \$3.35 per laborer. The largest single contribution was \$50.00, while the smallest was \$1.00. If this initial contribution can be considered as a criterion for those from laborers elsewhere throughout the islands, it would not be surprising if the total amount raised here would reach over ten thousand dollars.—Hawaii Shipto.

BUILDING TO BEGIN

Rails Ordered for Hilo.
Onomea Section
of Line.

Eight hundred tons of seventy-pound steel rails have been ordered from eastern manufacturers by Philip Peck for the Hilo-Kohala railroad and they are now en route to the islands. This shipment will be sufficient to lay the track from Hilo to Onomea.

It has been decided not to lay a steel bridge across the Waikuku river at Hilo as originally planned, because it has been found too expensive. This bridge had also been planned for a position which would have compelled the engineers to build the road across the river on a curve.

A pile bridge will be built instead to cross at another location. This will be a straight bridge and will be much larger than the steel bridge.

Mr. Hawhurst has been appointed Chief Engineer of the railroad and is now actively working up plans and specifications for contracts for grading. He has placed contracts in Hilo for ties for the first section of eight miles. The rails are being furnished by C. Brewer & Co., of Boston, who are taking part payment in bonds.

The grading of the road will proceed as soon as the cane is cut off the fields along the line of the road and this will be effected during the next two or three months.

RUSSIA IN MANCHURIA.

How Russia became so powerful in Manchuria is a tale which dates back to the evacuation of the Japanese forces from that vast province after the payment to Japan by China of \$30,000,000 Keping taels as indemnity. The evacuation of Manchuria was completed in the month of December, 1895.

In the autumn of 1896 some surprise was caused in China by the publication in the Shanghai English press of a translation of what purported to be a Convention (known as the Cassini Convention) between Russia and China for the construction of a railway through Manchuria, to connect the Trans-Baikai and Southern Ussuri sections of the Siberian railway, and for the leasing to Russia of certain ports in Manchuria and China. In September, 1896, an agreement was entered into between the Chinese government and the Russo-Chinese bank, whereby, inter alia, the latter undertook to form a company to be called the Chinese Eastern Railway Company, to construct a railway through Manchuria from the town of Chita in the Trans-Baikai Province, to a point in the Southern Ussuri Railway.

The general terms were that the shareholders were to be Russians and Chinese only, that the gauge be the Russian gauge of five feet, that work begin in twelve months from the issue of the Imperial Decree; that the railway be completed in six years; that on the expiration of eighty years from the completion of the line and the inauguration of the railway as a running concern, the railway and all railway property shall pass, without payment, to the Chinese government, who shall not be responsible for any losses which the company may have sustained during that period; and that the Chinese government have the right, at the expiration of thirty-six years from the inauguration of the railway as a going concern, to take over the railway on due payment, such payment to include the actual cost thereof, together with all debts and interest thereon, but any surplus, after payment to shareholders, shall be added to the capital account and shall be deducted from the cost of the line to be paid by the Chinese government.

In accordance with this agreement the first act of the Manchurian railway was cut, with great ceremony, on August 28, 1897, at a point on the eastern frontier of Kirin and Primorsk. The fact that Vladivostok, which would have been the eastern terminus of the railway, had not the Manchurian agreement given the Russians Port Arthur, is closed by ice for several months of the year, was Russia's strongest reason for desiring a terminus far to the southward.

The following general terms of agreement between China and Russia were concluded on March 27, 1898:

It being necessary for the protection of her navy in the waters of North China that Russia should possess a station she can defend, the Emperor agrees to Russia, Port Arthur and Ta-lien-wan, together with the adjacent seas. The duration of the lease shall be twenty-five years, but may be extended by mutual agreement.

The control of all military forces in the Territory leased by Russia, and of all naval forces in the adjacent seas, as well as of the civil officials in it, shall be vested in one high Russian official who shall be designated by some other title than Governor-General. All Chinese forces shall be withdrawn from the Territory.

The two nations agree that Port Arthur shall be a naval port for the sole use of Russian and Chinese men-of-war, and be considered a closed port so far as the public and mercantile vessels of other nations are concerned. As regards the railway, the two nations agree that the railway shall be built and operated by Russian military engineers. Russia shall therefore be at liberty to erect all her own depots, barracks and buildings and provide for the maintenance of the railway as she deems fit.

On March 21, 1898, the Russians occupied Port Arthur.

DARKENED SENATE COUNSELS.

It would be hard to be as wise as the Senatorial Commissioners looked while holding their high inquisition into Hawaiian affairs in Honolulu. Most sanguine hopes were formed by some who witnessed the proceedings that not the least of the results of the Commission's visit would be intelligence imparted to discussions of Hawaiian affairs in the United States Senate. What a cold douche must have fallen upon those hopes in the hearts where they were cherished with the report of the Senate debate upon Liliuokalani's claim.

Senator Blackburn gravely informed that most august assembly of the world that "since the dethronement of the Queen and the taking possession of the crown lands, which were hers as long as she retained the sovereignty of those islands, the government"—meaning, as the context shows, the United States government—"has received in round numbers an average yearly rental of \$43,000 from those lands." So about a half million of money has been collected since her dethronement as the rents of the crown lands alone.

Then it is related that "in the course of the debate the amount of these rentals and the beneficiary of them was inquired into extensively by Senators." And, most astonishing of all: "The replies developed the information from Senator Mitchell of Oregon and others that the exact amount of the rentals in ten years has been \$432,378.06 and that that amount has gone into the federal treasury here in Washington, not into the Territorial treasury."

Senator Mitchell, chairman of the Commission, helped to give the Senate this "fill." It is as far astray as the statement of the Delegate from Arizona, at this same session, representing that Hawaii had cost the United States four millions but had not yet returned one cent of revenue to the federal treasury, having no public lands and no mines to sell. Mitchell must have forgotten the warm afternoons he sat on the Hawaiian Hotel veranda listening to the pleadings of the anti-Dole malcontents to have the Commission recommend that the administration of the public lands of Hawaii, which include the crown lands, should be transferred from Honolulu to Washington.

It might be idle to ask where was Senator Foster of Oregon, the Nestor of the Commission, while the Senate was having its counsels darkened as shown by such misstatements of fact. Many of those who attended the sessions of the Commission in Honolulu will remember that the venerable gentleman from Washington State invariably took the occasion to have a refreshing nap while Humphreys, Gill et al., had the center of the stage. Once in particular, while he was acting chairman in Mitchell's absence, Foster indulged in a sound snooze while a dreary recital of misinformation and abuse was being poured forth by one of that coterie. It produced conspicuous vexation in the orator, yet it was only one of many instances of Foster's sleeping while Dole's enemies were sowing tares.

As for Burton of Kansas, nothing was expected of him by honest folk here after observing him in the Commission or conversing with him outside. Anyhow, if he was present at the Liliuokalani debate in the Senate, his mind was probably roaming back to the recent grand jury assizes in his home parish at which some graft was investigated.

With reference to the statements made without correction on the floor of the Senate, regarding Hawaii's crown lands, it is only necessary to remark that if that half million of revenue had gone into the United States treasury along with the six or eight millions of tribute in customs duties, internal revenue, etc., collected from Hawaii since annexation, Kepoikai would long ago have resigned and his successor, even if baptized into "the official family," would probably be in the insane asylum raving about Territorial finances.

FACTIONS IN HAWAII.

Congressmen have much to say about factions in Hawaii as if such things were unknown to the mainland, strange phenomena of tropical politics to be viewed with suspicion and alarm and get down to the sole discredit of the Territory. In point of fact, however, there are not a dozen Senators nor fifty Representatives at Washington whose elections did not mean the victory of one faction of their party over another. Such triumphs are always preceded by hard fights and hard feelings. Not so many years ago the Republican party of the nation was bitterly divided between the Halfbreed and Stalwart factions, and today the Democratic party is imperilled by the Gold and Silver factions of whom Cleveland and Bryan are the chief and hostile representatives.

That considerable ill-will should exist in Hawaii between large bodies of electors is really more to be expected than in Ohio, for example, where, for years, the Hanna and Foraker factions whetted knives for each other's throats. Here we not only have inflaming issues of policy and persons as they have in the current politics of Ohio and New York and in all other States and Territories, but we have the irritating bequest of an armed revolution, which overthrew the monarchy and of an aggressive one to restore it. It took fifty years on the Atlantic coast to wipe out the factions left by the American Revolution. The million Tories who lived in the country during and after that war, left a factional heritage of political malevolence which the patriots had to confront. So in Hawaii, where, after eleven years from the overthrow, the voting majority are Monarchists in thought and in speech and they are led by carpet-baggers who use the strength of these Monarchists to the disadvantage of the country and for their own benefit. In such a case sharp differences in politics are inevitable and morally necessary. Come what may the fruits of the revolution of 1893, among which are honest government, a free press and just courts must be preserved; and if the defence of these great monuments involves factionalism it also involves patriotism and in such a case the one manifestation can hardly be distinguished from the other.

COMMERCIAL ASPECTS OF THE WAR.

The opening up of China would probably follow the success of Japanese arms; sequestration of the old empire behind Russian defences and tariff walls would come of the success of the Muscovite campaign. For the commerce of the Pacific and all which that implies to Hawaii and the Pacific coast, a Japanese triumph is to be desired.

The Asiatic commercial policy of Japan is represented by the Open Door. Japan's own tariff is low, her protection for manufactured goods against alien competition being chiefly afforded by her cheap skilled labor. It is her desire as it is that of England and the United States to reorganize and civilize China so as to increase its wants and make it a better customer for such goods as the manufacturing nations have to sell. Once become the arbiter of China, Japan would encourage the opening of mines, the building of railroads, the production of tea, everything save cheaper manufacturing than her own, and this is precisely what the United States long ago joined England in preferring. Such a policy would boom the trade of all progressive nations, Japan, England and the United States in particular. It would hasten the realization of Seward's commercial dream and incidentally, in connection with the Panama canal, would make this cross-roads port one of the busiest in the world.

Russia proposes to use China as she does Siberia; for purely private exploitation, also as a place in which to drill native armies for an eventual attack on India. There would be no open door if she got possession; instead there would be barriers put in the way of foreign intercourse and China would soon be out of the world save possibly at such ports as Hongkong, Shanghai and Macao.

The acquittal of Jones and Finn, was preceded by that of Murphy, accused of killing Joe Perry. This makes three unsolved homicidal mysteries within a year—two cases where actual murder and one case where attempted murder occurred without anybody being punished for it. Once in Hawaii it was unsafe to kill people. That was the period of race juries and of Chief Justice Judd's stone wall decision. But now human life is held exceedingly cheap and no man accused of homicide has a reputation bad enough to raise a presumption against him in the "mind" of a mixed jury when he disputes the accusing testimony of credible witnesses. Hawaii has become a safe place in which to do or to attempt a capital crime.

Rain has been in the habit of falling occasionally in Hawaii ever since the group was inhabited. Roofs on houses were early introduced from abroad, but the country has never become wise enough to make roads and bridges of a character that will "wash."

Let us hope that the treasure of the Incas will not prove to be a find in the fertile imagination of the man who discovered the mythical board of gold in the walls of Pope Leo's bathhouse.

The clock in the Honolulu city hall yesterday morning and today afternoon were off at 10. The clock in the city hall yesterday morning and today afternoon were off at 10. The clock in the city hall yesterday morning and today afternoon were off at 10.

There is a current rumor in Honolulu that the clock in the city hall yesterday morning and today afternoon were off at 10. The clock in the city hall yesterday morning and today afternoon were off at 10.

TRIBUTE TO HENRY WATERHOUSE

In the Central Union Church Record is the following tribute to the late Henry Waterhouse:

The pastor's personal relations with Mr. Waterhouse covered the entire period of his ministry in Honolulu. It seems to him now as a golden chain, each link of which constitutes a beautiful memory. During an active ministry of over twenty-five years the pastor has never come in contact with a church official who has endeared himself more to his heart by his loyal co-operation. His was a friendship which, once given, never swerved. He was a man of many friends. Popularity came to him as naturally as if it were an endowment of his birth. He made friends as easily as he kept them. To meet him was to come under the influence of a gentle, sunny, affectionate nature such as few men have the fortune to possess. Strong as he was in his beliefs, courageous as he was in his convictions, and unyielding as he was in his sense of right and honor, it seemed impossible for him to make an enemy. He dwelt in an atmosphere which drew men, and especially children, to him. There was no show, no pretense; but there was the simple performance of duty. He was a noble type of Christian manhood. He loved to do good. He delighted to make others happy. The pastor never met a man that had a profounder and sweeter sympathy. In the official meetings of the church, he was ever a peace-maker; and it takes rare wisdom to be that—rare tact and disinterestedness. He lived the Christian life, not professing Christianity merely and failing to manifest its spirit; he lived it, and his works do follow him. It was not permitted him to live out man's appointed time. The mysterious clock to which Oliver Wendell Holmes so beautifully refers, which the angel of life wound up to run three score years and ten, ran down before the elapse of the allotted time. But the bounds which are fixed to the duration of a life do not always measure its worth. The career of Mr. Waterhouse, though cut off in the midst of its usefulness, has been a noble and wholesome example in right living, high thinking, and unselfish service both in private and public life, and his memory will ever remain an inspiration to those who loved him—living and mourning him dead. He had much to live for. He was surrounded by family ties that were the tenderest and truest that a noble wife and devoted children can create about the heart of a man. When he fell ill a few months ago, a shock came to us all—a sense of impending calamity. His life had so intertwined itself into that of the church. We felt how much we would lose if he were taken from us.

We need no words of inspiration to show us that so noble a soul cannot taste of death; we need no divine revelation to prove that such a choice spirit cannot pass to the realms of nothingness and oblivion; we need no testimony from the dead that immortality is the reward of such a life. Could we harbor the thought that the reverse were true it would wring the very fibres of our being. Our beloved deacon and brother, Mr. Waterhouse, has passed on to the better and higher life that lies beyond the confines of mortality—a life the span of which, unmeasured by the flight of years, is filled with immortal significance and joy. Let us treasure the lessons of this life, and may they prove an inspiration in the conduct of our own.

"To live in hearts we leave behind
Is not to die."

Collector is Upheld.

Collector Stackable has received notice of a decision by the United States Board of General Appraisers affirming his classification of millet-seed cake as confectionery. The protest of U. K. Koyashiki, the Japanese merchant, was overruled. The decision follows:

Walter, General Appraiser: Small cakes made from millet seed, sesamum seed, and sugar, and enclosed in a wrapper printed in Japanese characters, were classified in this case under the provision for "sugar candy and all confectionery," not specially provided for in paragraph 213 of the tariff act of 1897 at 4 cents per pound and 15 per cent ad valorem. They are claimed to be dutiable as nonenumerated manufactured articles at 20 per cent under section 4, or as prepared vegetables at 40 per cent under paragraph 241.

The examiner reports: The merchandise in question appears to be a mixture of millet seed with a small portion of sesamum seed pressed into small oblong shapes 4 1/2 inches by 2 1/2 inches by 1/2 inch, ribbed at regular intervals for convenience in breaking, and the whole dipped into a syrup made of sugar. These so-called cakes are used as a confectionery or sweetmeat solely.

Upon analysis the official sample was found to contain about 15 per cent of cane sugar. The articles appear to be such as might be found in a confectioner's shop along with pop-corn bars, peanut bars, etc., which they seem to resemble in process of manufacture. The record, we think, does not warrant any disturbance of the collector's action. The importers failed to appear at the hearing in person or by attorney, and offered no evidence whatever in support of their claims.

The protest is overruled and the collector's decision affirmed.

TOOK IN THREE THOUSAND DOLLARS

There was a lively time about the police station yesterday. Nearly sixty Chinese who had been arrested on Sunday for gambling, were held for bail. Their cases came up in court yesterday morning and were continued until today. The men had originally put up \$4 bail each, but the Deputy Sheriff required each man to put up a new bond for \$50. The station was crowded with friends of the gamblers and the clerks took in nearly \$3,000 in cash.

DELINQUENT STOCK LAW

Parker and Desky Carry Their Points.

Judge Robinson yesterday rendered decisions in the suits of the Orpheum Company, Ltd., respectively against Samuel Parker and Charles S. Desky. In each case he grants the motion for a nonsuit.

In the Parker case the first count relates as cause of action a promissory note for \$1008.33, and the second count a balance of \$438 alleged to be due on assessments of \$3 a share on Orpheum stock. It was admitted that the promissory note was given in payment of a prior assessment on the same stock, of which defendant had subscribed for 250 shares.

GROUNDS OF MOTION.

The motion for a nonsuit was on the grounds that there had been no obligation or contract, proved upon Mr. Parker to accept any shares of the company, that he had not agreed to pay anything, that it was a contract to purchase merchandise for \$5000 in value and would not be binding unless in writing, that there had been no written acceptance by Mr. Parker of these shares or any agreement to pay for them; that the testimony showed that the relation of stockholder had been canceled by the sale of shares at auction, and while the plaintiff had the election of remedies to hold Mr. Parker he is no longer liable; that there had been no authorization shown by the corporation to sell stock for it, and that there was no personal liability on the part of the stockholder to pay assessments on the stock when the stock had been sold, or in any event.

ONE POINT REJECTED.

The court does not sustain a contention by defendant that no stock was ever issued to him because his shares were still attached to the stock book and not reelected. There was evidence that Mr. Parker asked Treasurer Colburn to take care of the shares for him, though Mr. Parker testified he had no recollection of such a conversation.

RELATION HAD CEASED.

The other ground, namely, that the relation of stockholder had ceased with the sale of his shares for delinquency, while the common law of England is only in force under limitations in this Territory, as he points out with references to Hawaiian decisions, he comes to this conclusion:

"Still I am inclined to think that the power given to the directors of any incorporated company by Section 2039, Civil Laws of 1897 (S. L. 1899, Sec. 9, Chap. 48), to sell at public auction a sufficient number of the shares of any stockholder who shall neglect to pay any assessment duly levied upon the shares, until the whole par value has been paid in, is not an exclusive remedy, but is cumulative merely, and the corporation may, under our law, elect either to foreclose and sell at public auction a sufficient number of shares of any stockholder who shall neglect to pay any assessment duly levied upon the shares until the whole par value has been paid in, or pursue its common law remedy by suit at law."

AN APPALLING CONTINGENCY.

"But it cannot consistently pursue both remedies. And the reason is apparent, for if the corporation, the remaining membership of which comprised the owners and holders of but little over half of the amount of stock originally subscribed, could sell the stock at delinquent sale for a title of its par value, the corporation or its remaining members buying it in, and also collect by suit at law the difference between the amount realized at the sale and the par value of the stock, the value of the stock remaining in the corporation, or purchased by it or its remaining members, could be advanced and enhanced in value amazingly, without rendering one cent of consideration to the original subscriber whose stock had been sold. The results of the recognition and application of any such principle of law would be appalling."

"A forfeiture and sale of the shares of a stockholder operates as a remission of the contract of membership and wholly dissolves the delinquent member's connection with the company. He is not thereafter entitled to any of the privileges of membership and ought not to be compelled to bear any of the burdens which are incidental to that position. Nor would it be just to compel a shareholder whose shares have been forfeited for non-payment of calls to pay any portion of such calls remaining unpaid after giving credit for the amount realized by the sale of the shares. If the charter of a corporation simply authorizes a forfeiture and sale of the shares of a shareholder for non-payment of calls, and the agents of the company elect to pursue that remedy, the shareholder is discharged from liability for any calls remaining unpaid although the shares may sell for less than the amount of the calls."

CANNOT COLLECT NOTE.

"Nor can an incorporated company which exercises its power to forfeit the stock of the subscriber for the non-payment of a call, afterward recover upon a note given to it by such subscriber for a previous unpaid assessment on his stock."

In support of the latter proposition the court quotes Judge Dillon in the Federal case of Ashton vs. Burbank, as holding that a note given for an unpaid stock assessment represents that assessment.

"Conceding for plaintiff," Judge Robinson finally says, "attempts to draw a distinction between a strict foreclosure,

that is, the taking of the stock by the corporation itself, and the public sale of the stock for non-payment of the subscription, but I am unable to recognize the distinction, as both methods effectually conclude the delinquent member's connection with the company."

DESKY'S CASE DIFFERENT.

The nonsuit granted to Mr. Desky was on different grounds. He was sued for \$500 on his subscription of Orpheum stock. His shares were not offered at auction as delinquent. He defended the suit with the plea that due notice of the assessment was not given him. The company's by-laws provide that:

"Notice of meeting, assessments or dividends, or other notices to stockholders herein provided for, or which may be ordered by the directors, shall be served upon the stockholders personally, or by sending it through the post in a letter or by post card addressed to such member at his post office address, or by advertisement for not less than three times in at least one newspaper published in the city of Honolulu."

Upon a review of the evidence, Judge Robinson does not find this provision to have been complied with. On this crucial point he says:

THE NOTICE REQUIRED.

"Unless provision is expressly otherwise, the notice must be given by handing the subscriber a written notice, or by informing him orally that the call has been made, giving the amount, time, place and the person to whom payment is to be made. Where notice is served, not personally, but by mail, the notice is effective only in case it is actually received. A publication of a notice in a newspaper is not binding, and effectual unless it is proved that the subscriber who is sued actually read the notice as published." C. W. Ashford represented plaintiff in both cases. Magoon and Lightfoot appeared for Parker, and B. L. Marzair for Desky.

LATEST HAWAIIAN STAMP ROMANCE

"Another extreme rarity in stampdom is that of the Sandwich Islands—the two-cent specimen of the first issue of the Hawaiian postoffice. Only a very few are in existence, and a single copy is valued at \$3,000. The reason this stamp is so scarce is that only two days after their issue fire broke out in the postoffice and destroyed the entire stock, including the plates and dies. The few that are left of the issue, and which are so valuable today are the ones that had been circulated before the fire."

The foregoing is from a purported interview with a young stamp collector of New York City. It would be interesting if true, which it is not. A local authority on stamps explains the rarity of the old Hawaiian "2" by the fact that it was used on newspapers, therefore extremely liable to being thrown away with the wrappers. The reason the "12" is not so rare is that when it was in use envelopes were not much in vogue and hence the stamp was preserved upon the folded letter filed by the receiver when it was deemed worth keeping. There were no "plates and dies" of the first issues of Hawaiian stamps to be destroyed by fire or otherwise, as they were struck off when needed from forms of movable type kept standing in a local printing office.

SUMNER WOULD LIVE ALONE

Old John K. Sumner has broken with all of his Hawaiian relatives and intends to bring his Tahitian cousins and nephews here to Oahu to make their homes. Mr. Sumner has leased a piece of land on the Koolau side of the island near the seashore and intends to remove to his new home next week. He said yesterday that he intended to make his permanent home in the islands in the future. As soon as his Tahitian cousins and nieces and nephews send for him he intends to go to Tahiti and dispose of his interests there and return to Honolulu with them to live. Mr. Sumner said that he wasn't living with Wally Davis any more and intended to go to Koolau and live by himself in the future.

Sumner is eighty-four years old now, but he is as hale and hearty as ever and was walking about the streets yesterday without even the use of a cane.

ONE OF THE TRIUMPHS OF MODERN SURGERY.—By applying an antiseptic dressing to wounds, bruises, burns and like injuries before inflammation sets in, they may be healed without maturation and in one-third the time required by the old treatment. This is one of the greatest discoveries and triumphs of modern surgery. Chamberlain's Pain Balm acts on this same principle. It is an antiseptic and when applied to such injuries causes them to heal very quickly. It also allays the pain and soreness. Keep a bottle of Pain Balm in your home and it will save you time and money, not to mention the inconvenience and suffering such injuries entail. For sale by all Dealers and Druggists. Remedy, Smith & Co., Ltd., Agents for Hawaii.

The third heard last evening about 8:30 was the one administered by the Republican Executive Committee to J. V. Gear.

